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books

L A W S

OF

NORTH-CAROLINA,

Enacted by a GENERAL ASSEMBLY begun and held at RALEIGH, on the eighteenth day of November, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the said State.

1816.

WILLIAM MILLER, ESQUIRE, GOVERNOR.

CHAPTER I.

An Act to provide a Revenue for the payment of the Civil List and contingent charges of Government for the year one thousand eight hundred and seventeen.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Justices of the Peace appointed to take lists of taxable property within the several counties of this state, according to the directions of the act of the General Assembly, passed in the year one thousand eight hundred and one, entitled 'An act to fix an uniform time for taking the lists of taxable property throughout the state and for enforcing the collection of the taxes,' shall after giving due notice thereof according to the direction of the before recited act, require each and every person or persons liable to pay a land tax by lease or otherwise, to list each and every tract of land by him, her or them holden within the county, stating the number of acres of each separate tract, its local situation and its reasonable value, including the improvements thereon; and guardians of minors, lunatics and persons *non compos mentis*, shall in like manner list the lands of their wards and of such lunatics and persons *non compos mentis*: and each and every person or persons liable and bound to list lands as aforesaid, shall return the said list upon oath or affirmation (as the case may be) as it respects the quantity, and shall affix a value to each tract of land including the improvements thereon, contained in the said list not less than the value affixed to the same by the assessors appointed to assess the said land under the last act of Congress, providing for the assessment of lands of the United States: provided, nevertheless, that if any person or persons shall consider himself or themselves aggrieved by the said assessment, he, she or they may apply to the County Court of the County in which the said lands are situate, and upon making it appear to the satisfaction of said Court that the said assessment is unreasonable, the said Court may proceed to correct the same; and in all cases where by reason of improvements made on the said lands since the said assessment was made, or by any other cause, the Justice receiving the said list shall be of opinion that the said assessment is below the real value of the said land with its improvements; he shall appoint two Freeholders acquainted with the said land, to value the said land upon oath, and such persons shall receive a compensation for their services, of one dollar each, for every tract of land by them valued, to be paid by the owners of said land, *Provided* the valuation made by the said persons shall exceed that returned to the Justice by the owner of the land, and in case the said valuation shall not exceed that returned by the said owner, the compensation aforesaid shall be paid by the County: provided that where a tract of land shall lie partly in two or more Counties, the person who shall be bound to list the same shall list the same in the county where he or she resides, if he or she resides in either of the said counties, and if not then he or she may list the same in either of said counties.

Manner of
levying taxes.

Guardians to
list the lands
of their wards.

Standard of
assessment.

II. *Be it further enacted*, That if any person holding lands, or any guardian of a minor, lunatic or person *non compos mentis*, shall fail to list the lands which he is bound to list by this act, he or she shall pay a double tax, to be collected by the sheriff out of his or her property, to be collected by distress or other mode heretofore used in such cases.

Double tax for
failing to give
in.

III. *Be it further enacted*, That the Justices appointed as aforesaid shall make out a fair copy of the list of lands by them taken, with the number of acres, and valuation annexed, and return the same together with the list of other taxable property by them taken, to the Clerk of the County Court at the next succeeding Court which may happen after the time prescribed by law for taking the lists of taxable property: And the Clerks of the several County Courts are hereby required, under the same penalties, regulations and restrictions as are already by law enjoined, to return to the Comptroller on or before the first day of September in each and every succeeding year thereafter, an abstract of such lists, shewing the number of acres of land so listed, the valuation thereof, the valuation of town property, the number of white polls, of black polls, of wholesale stores, of retail stores, of retailers of spiritous liquors, of stud horses, of jack asses, of gates and of every species of property separate and distinct, liable to pay a tax, and which shall be contained in the said lists.

Returns to be
made to Comp
troller.

IV. *Be it further enacted*, That in case any of the Justices of the Peace appointed to take the lists of taxable property shall fail to take and return the same, according to the provisions aforesaid, it shall be the duty of the County Court to which the said return should have been made, to appoint some other Justice of the Peace, whose duty it shall be to take the lists of taxable property, in said district, and to make a return thereof to the succeeding County Court.

V. *Be it further enacted*, That the Clerks of the several County Courts shall within forty days after the Justices shall have made their returns, deliver to the Sheriff of their respective Counties a fair and accurate copy of the returns made by the Justices as aforesaid, and in case of failure thereof, be under the same rules and penalties as are already prescribed by law, and the respective Sheriffs shall proceed after the first day of April in each and every year, to collect the said taxes and shall account for the same on or before the first day of October in each and every year, under the same rules, regulations and penalties, as are now by law prescribed.

Clerks required to furnish
Sheriffs with
lists.

VI. *And be it further enacted*, That if any person owning lands in any County within this

1816.

State, or any non resident, shall fail to return, either by himself or agent, to the Justice appointed to take the list of taxable property in the district in which he resides, or in which the land of such non resident may be situated, a list of his or her lands with the number of acres and their valuation in the manner herein before prescribed, it shall be the duty of the said Justices to appoint a freeholder acquainted with the land, to value the same on oath within five days and return the valuation to the said Justice; and the said freeholder shall receive a compensation of one dollar for each tract by him valued, to be levied and collected by the sheriff at the time he collects the taxes on said land, if not previously paid by the owner, and under the same rules, regulations and restrictions.

Where land has not been listed or assessed.

VII. *Be it further enacted*, That where any person shall have failed, either by himself or herself, agent or guardian, to list his, her or their lands, and the Justices appointed to take the lists of taxable property, shall have failed to have the same assessed according to the provisions aforesaid, it shall be the duty of the sheriff within the time prescribed for collecting the taxes, to summon one free-holder residing near to or acquainted with the said lands, whose duty it shall be within five days after such notification, to value his lands on oath, which oath the sheriff or his lawful deputy is hereby authorised to administer; and it shall be the duty of such free-holder, summoned as aforesaid, to transmit under his hand a fair transcript of such valuation to the Clerk of the County Court at or before the succeeding County Court, and also to deliver to the sheriff another transcript of the same within ten days after the valuation aforesaid, and that the said free-holder shall receive a compensation for his services as assessor, one dollar for every tract of land by him assessed, to be levied and collected by the sheriff at the time he collects the taxes on said land, if not previously paid by the owner; and the Clerk of the County Court shall incorporate the returns made by the free-holders as aforesaid, with those made by the Justices.

VIII. *Be it further enacted*, That where any person owning lands in any county of this state, shall have failed to give in the same for the year one thousand eight hundred and sixteen, or where the same has been given in, but no value affixed thereto, it shall be the duty of the sheriff at the time he collects the taxes for the said year, to summon a free-holder acquainted with the said land, to value the same upon oath, which free-holder shall be allowed one dollar for each tract by him so valued; and the sheriff shall collect and account for the taxes due on the said land, under the same rules, regulations and restrictions as are provided by law for collecting and accounting for taxes due on property not listed, and shall at the same time, levy, collect and pay over to the said freeholder, the sum due to him for making the valuation aforesaid.

Valuation to be made in Dollars and Cents.

IX. *Be it further enacted*, That the valuation of lands and their improvements as required by this act, shall be made in Dollars and Cents, and the lands liable to be sold for taxes shall be sold under the same rules, regulations and restrictions, as are by law already established, and town property shall be given in and assessed in the manner prescribed in this act for other real estate.

Penalty \$ 50 for refusing to assess.

X. *Be it further enacted*, That any person summoned or appointed by the Justices or Sheriffs as aforesaid to value lands, who shall refuse or fail to perform the duties required by this act, shall forfeit and pay the sum of fifty Dollars, to be recovered in the name of the County Trustee to the use of the County, and the said penalty may be recovered by indictment.

Clerk shall furnish a copy from U. S. Assessor.

XI. *Be it further enacted*, That for the purpose of enabling the Justices aforesaid to discharge their duty, it shall be the duty of the Clerks of each County Court to procure from the Principal Assessor in the Congressional District in which such county is situate, a certified transcript of the assessment of the lands in said County, made under the authority of the last act of Congress for assessing the lands of the United States; which copy shall be filed in the office of said Clerk, and he shall on or before the first day of July next make out and deliver to each of the Justices appointed to take the lists of taxable property in said County, a copy of said transcript, and for their services the County Courts shall make to their respective Clerks a reasonable allowance to be paid by the County Trustee; that all sales of land for taxes due on the same which shall not be made conformably with the provisions of the several acts of the General Assembly respecting such sales, shall be and are hereby declared to be void and of no effect.

Tax of 8 cents on each \$ 100 value.

XII. *Be it enacted*, That for the year one thousand eight hundred and seventeen there shall be levied and collected from all the real property with improvements thereon within this state, subject to taxation, the sum of eight cents on every hundred dollars value thereof.

On stud-horses and Jacks.

XIII. *And be it further enacted*, That a tax on all stud horses, and jack asses within this state of the full sum, which the owner or keeper of such stud horses or jack asses shall ask, or demand or receive for the season of one mare, shall be levied, collected and accounted for in the same manner as such taxes have heretofore been levied, collected and accounted for.

On Pedlars.

XIV. *And be it further enacted*, That each and every person who shall peddle or hawk in any county in this state and not on a navigable stream, goods wares or merchandize not of the growth or manufacture of this state, shall pay to the sheriff of each and every county in which he she or they shall so peddle or hawk goods wares or merchandize, the sum of twenty five dollars as a tax, which tax shall be accounted for by the sheriff in like manner as other taxes, and on paying said tax and obtaining a receipt therefor, such person shall be authorised and permitted to peddle and hawk goods as aforesaid in such county and no other for the term of one year thereafter, and every person who shall peddle or hawk goods, wares or merchandize not of the growth or manufacture of this state, except vegetables and other articles of provision of the produce of the United States, on any navigable stream in this state, shall pay to the sheriff of each and every county in which he or she shall so hawk or peddle, twenty five dollars as a tax to the state, to be levied and accounted for as above, and on payment thereof shall be authorised and permitted to peddle and hawk goods as aforesaid in such county and no other for the term of one year thereafter, and each and every person who shall hawk or peddle in any county without having previously paid the tax thereon as herein before directed, or who shall refuse or neglect upon request by the Sheriff or his lawful Deputy or any Justice of the peace to show a license therefor, shall be liable to forfeit one hundred dollars, to be collected by the Sheriff of said county by distress and sale of the property of such delinquent, and to be applied one half

to the use of the state, the other half to the use of the Sheriff, provided nevertheless that nothing in this act contained shall extend to tax persons who sell books only.

1816.

XV. *And be it further enacted*, That for the better securing accountability in the collection of the tax on pedlars, the Sheriff of each county previous to his settlement with the Comptroller in each year, shall render to the clerk of the county court of pleas and quarter sessions of his county, an account of the names of the persons from whom he shall have collected a pedlars' tax, and the time of such collection within the preceding year, to which account he shall swear and subscribe his name before the said clerk, and the clerk shall immediately after such account shall be so returned, transmit a copy thereof to the Comptroller and put up another copy thereof in some public part of the court room.

Sheriff shall return a list of pedlars to the C. Court.

XVI. *And be it further enacted*, That every merchant who shall sell goods, wares or merchandize, not of the growth and manufacture of this state, in any store to the amount of four hundred dollars in one year, shall pay a tax on each and every such store, if a wholesale merchant sixteen dollars, and if a retail merchant six dollars, and every such merchant shall give in such store or stores in the lists of his taxable property under the same rules and regulations as other taxable property are given in, and the tax thereon shall be levied, collected and accounted for in the same manner as other taxes: Provided always that no retailers of spiritous liquors by the small measure shall be liable to pay in addition to the tax imposed on said retailers the tax also imposed on stores, unless such retailers shall sell such goods, wares and merchandise other than liquors to the amount therein stated, and provided also that the sheriff may be entitled to demand and collect the tax imposed by this section from such persons also as keep stores for a less time than one year and sell thereout the amount therein before specified, although such stores were not open on the first day of April.

On whole-sale & retail stores

XVII. *And be it further enacted*, That owners of billiard tables shall hereafter give them in, in the same manner as other taxable property, and shall pay for each billiard table a tax of fifty dollars, to be levied collected and accounted for in the same manner as other taxes, and the sheriff shall collect the tax on billiard tables within his county whether the same shall have been there on the first day of April or not, and whether the same shall have been erected on that day or not, unless the person having such table in possession shall produce the receipt of the sheriff of some other county for the said tax; and if the tax on a billiard table shall be unpaid after the same is due, and after having duly advertised the same, the sheriff shall expose the same to sale, and if no person bid for the said table the amount of the tax and charges, the sheriff shall bid off the same and immediately thereafter in presence of two Justices or two Freeholders, and shall burn and destroy the same, and every part thereof, and upon the affidavit of said sheriff and attestation of the justices or freeholders, the said sheriff shall be allowed the same in his settlement with the Treasurer.

Fifty dollars on billiard tables.

XVIII. *And be it further enacted*, That every company of itinerant stage players, rope dancers, tumblers and wire dancers, and each and every itinerant person or company who shall exhibit natural or artificial curiosities of any sort or kind for reward, shall previously to performing or exhibiting in any county in this state pay to the sheriff thereof twenty dollars as a tax to the state, to be accounted for by the sheriff as other taxes, and on paying such tax and obtaining a receipt therefor such person or company shall be authorised and permitted to perform or exhibit as aforesaid in such county, and no other for the space of one year thereafter, and each and every itinerant stage player, rope dancer, tumbler or wire dancer, or exhibitor of natural or artificial curiosities for a reward, who shall perform or exhibit in any county without previously having paid the tax herein directed, shall be liable to a forfeiture of sixty dollars, to be collected by the sheriff of said county by distress and sale of any property of such delinquent, and to be applied one half to the use of the state and the other half to the use of the sheriff.

On itinerant players, &c.

XIX. *And be it further enacted*, That a tax of five dollars be and the same is hereby laid on gates which may have been or which hereafter may be at any time erected across any public road or highway within this state, and the owners of such gates shall give in the same at the same time that they give in their taxable property, and the tax shall be levied collected and accounted for in the same manner as other taxes.

On public gates.

XX. *And be it further enacted*, That for the year one thousand eight hundred and seventeen, a tax of twenty five cents on each and every free poll, and a tax of twenty five cents on each and every black poll, shall be levied and collected under the same rules regulations and restrictions as poll taxes have heretofore been collected.

Poll tax.

XXI. *And be it further enacted*, That all free males between the ages of twenty one and fifty years, and slaves between the ages of twelve and fifty, shall be subject to a poll tax, and all slaves shall be listed in the county where they reside.

XXII. *And be it further enacted*, That all persons who shall bring negro slaves from another state into this state for sale, or shall take negroes through any part of this state for any other state for sale, shall pay to the sheriff of some one of the counties, the sum of five dollars upon each negro slave so brought; and it shall be the duty of the respective sheriffs in this state and their deputies to collect the tax hereby imposed; but if the said person or persons shall produce to the sheriff of any one county, the certificate of the sheriff of any other county, duly authenticated under the seal of the Clerk of the county in which such sheriff resides, that he has paid the tax hereby imposed, he or they shall be permitted to proceed without the payment of any further tax.

On Negro traders, of \$5 for each slave:

XXIII. *And be it further enacted*, That each sheriff, upon settling his accounts with the Comptroller, county Trustee, and county Wardens within their respective counties for the preceding year, shall make and subscribe an affidavit that he has duly accounted for in his settlement, for all taxes received by him under this act, upon any occupation, article or thing not included in the lists of taxable property furnished to the Clerk of his County, and shall append to the said affidavit a list of all such taxes so by him received, and the names of the persons from whom he received the same, and set forth opposite to each item, the occupation, article or thing for which the said taxes were received.

Sheriff's oath.

Read three times and Ratified in General Assembly,

the 28th day of December, A. D. 1816.

A true Copy, WM. HILL, Secretary.

JOHN BRANCH, S. S.

JA. IREDELL, S. H. C.

1816.

CHAP. II.

An act supplemental to an act, to prevent the circulation of small Promissory Notes or Due Bills.

WHEREAS the practice of issuing due bills or small promissory notes, commonly called due bills, by private citizens of this state and others styling themselves corporate bodies, has increased and continues to increase to an alarming height and degree, highly detrimental to the true interest of the state. And whereas the before recited act has been found insufficient to suppress the evil: Therefore in addition to the penalties contained in that act and as a further remedy,

Preamble.

Issue of Due bills prohibited.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act it shall not be lawful under any pretence whatever for any person or persons, any corporation, school or academy within this state, which now is or hereafter may be established, to issue any bill, order, ticket, promissory note or any other species of security whatever may be its form or name, commonly called due bills, with an intention to evade this act, under the penalty of ten pounds for each and every bill, order, ticket, promissory note, or other species of security, whatever may be its name or form commonly called due bills, so issued.

Penalty.

Penalty of 10 pounds for passing or receiving.

II. *And be it further enacted,* That it shall not be lawful for any person or persons, to pass or receive any bill, order, ticket, promissory note, or other species of security, whatever may be its name or form, commonly called due bills, issued contrary to the first section of this act, or which has been already issued or is now in circulation; or for any person or persons, to pass or receive any bill, order, ticket, promissory note, or other species of security, whatever may be its form or name, commonly called due bills, issued by any person or persons, or bodies corporate of another state, under the penalty of ten pounds for each and every bill, order, ticket, promissory note, or other security, whatever may be its form or name, commonly called due bills, so passed or received.

III. *And be it further enacted,* That it shall not be lawful for any person or persons, to pass or receive any check or checks drawn for less than one dollar on the State Bank, the banks of Newbern or Cape-Fear or the various branches or agencies thereof, for the benefit of any academy, school or corporation or company or private citizen, or any check or checks drawn on any person or persons whatsoever, under the penalty of ten pounds for each and every check so passed or received.

Manner of prosecution.

IV. *And be it further enacted,* That if any person or persons shall offend against this act, he, she or they may be prosecuted at the instance of the state, by way of presentment or indictment, and on conviction shall pay the penalty heretofore prescribed together with all costs of suit; and the proof of drawing, uttering, passing or receiving any such bill, order, ticket, promissory note or other security, shall be the same that is directed in the before recited act, and sufficient to convict the person or persons so offending.

Judges shall give this act in charge.

V. *And be it further enacted,* That it shall be the duty of the judges of the superior courts of law on their circuits, and the justices of the courts of pleas and quarter sessions, in the several counties, to give this act in charge to the grand jury, and on presentment being made, the attorney and solicitor for the state shall take effectual measures to prosecute to judgement the person or persons so offending and presented.

VI. *And be it further enacted,* That all fines and penalties which may arise from convictions under this act, be and they are hereby appropriated, one half to the use of the prosecutor, the other to the use of the county where the offence was committed.

Fine and imprisonment.

VII. *And be it further enacted,* That if any person or persons, bodies corporate, company or association, shall, after the ratification of this act, without the authority of the legislature first had, issue any promissory notes, commonly called bank notes, of any value with intention that the same should circulate and be received as a substitute for money, he, she, or they or the persons composing the aforesaid bodies corporate, company, or association, shall be prosecuted by way of indictment at the instance of the state in any of the courts of record thereof, and on conviction shall forfeit and pay the sum of one hundred pounds, and be imprisoned at the discretion of the court not exceeding six months.

Repealing

VIII. *And be it further enacted,* That so much of an act, entitled "An act to incorporate the Fayetteville School Association" as might by construction or implication seem to authorise the said association or its agents to issue any ticket, order, check, bills or promissory note, either what are commonly called due bills or bank notes, of any value or description, be and the same is hereby repealed and made void.

clauses of former acts.

IX. *And be it further enacted,* That so much of an act, entitled "An act for establishing a manufacturing company," in the county of Bertie, as might by construction seem to authorise the said company or its agents to issue any tickets, orders, checks, bills or promissory notes, either what are commonly called due bills or bank notes, of any value or description, be and the same is hereby repealed and made void.

X. *And be it further enacted,* That in case the Fayetteville School Association or Bertie Manufacturing Company, or their agents respectively, or any person or persons, school or academy, or corporation or company, shall refuse or neglect to pay on demand any bill, ticket, check, order, promissory note or other species of security, whatever may be its form or name, either what are commonly called due bills, checks or bank notes, the holder shall be entitled to recover one hundred per centum on the principal due on said due bill or bank note.

Operation of part of this act suspended.

XI. *And be it further enacted,* That so much of the act as relates to the passing or receiving of due bills or bank notes intended to be prohibited by this act, already issued, stands suspended until the first day of July, eighteen hundred and seventeen.

CHAP. III.

An act for the better regulating the appointments of County Court Officers.

Majority of Justices necessary.

BE it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, That in future in the appointment of any sheriff, coroner, county trustee, clerk of the county court, register and county attorney, there shall be present a majority of the acting justices of the peace of the county, and no person shall be deemed to be duly elected without receiving a majority of the votes of the justices present.

II. *And be it further enacted*, That in the appointment of any ranger, constable or other county officer, not named in the first section of this act, there shall be present at least seven justices of the peace of the county, and no person shall be deemed duly elected without receiving a majority of the votes of the justices present: Provided, that nothing in the first section of this act, shall extend to the counties of Surry, Stokes, Granville, and Burke. 1816.
7 Justices necessary.

CHAP. IV.

An Act making it the duty of sheriffs to serve notices of the clerks of courts and clerks and masters inequity to parties concerned, to attend on the days of reference at making up reports, and for other purposes.

WHEREAS much inconvenience has arisen on account of sheriffs not being compelled to serve notices as above recited, for remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted Sheriff's duty.
by the authority of the same, That from and after the passage of this act it shall be the duty of the several sheriffs within this state to serve all notices issuing from clerks of courts and clerks and masters in equity, to parties concerned in all references to them made, and for neglect or failure to do the same, shall be subject to the same penalties as by law provided for omissions or neglect in serving other process issuing to them.

II. *And Whereas*, the present allowance made to the sheriffs serving process at a distance, is by no means sufficient; *Be it further enacted*, That from and after the passage of this act, all sheriffs, for said service of any process at a distance of twenty miles or upwards, shall be allowed four cents for each and every mile, to be taxed in the bill of costs. Compensation.

III. *Be it further enacted*, That all acts coming within the purview and meaning of this act, be and the same are hereby repealed and made void.

CHAP. V.

An Act to provide for the appointment of Clerks of the Superior Courts of Law, and Clerks and Masters in Equity, during the recess of said courts.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted By whom appointed.
by the authority of the same, That whenever a vacancy shall happen in the office of clerk of any of the superior courts of law, or in the office of clerk and master in equity, in any county in this state, the judge residing within the judicial circuit in which such vacancy shall happen, shall appoint some suitable person residing in said county, to fill the said vacancy: and if no one of the judges of the said courts shall reside within the circuit in which such vacancy shall happen, then the chief justice: when two or more judges shall reside in the said circuit, if one of said judges shall be the chief justice, then such chief justice, otherwise the senior judge may appoint some suitable person, residing in the county as aforesaid, to fill the said vacancy; and the person so appointed, shall before the judge, who shall make such appointment, or before some justice of the peace duly commissioned by the said judge for that purpose, take the oaths prescribed by law for the qualification of clerks of the superior courts of law, and clerks and masters in equity: and if such appointment shall not be made during the recess of the court in which such vacancy shall happen, the judge who shall ride the circuit, including the county wherein such vacancy shall happen next, after the happening thereof, shall appoint some suitable person residing in said county, to fill said vacancy: and in every case the judge so next riding the said circuit, shall take bonds with good and sufficient security as the law directs, from the person so appointed, either by himself, the judge residing within the said circuit or the chief justice: and if the person so appointed, fail to enter into bonds with security as aforesaid, the judge holding the court shall appoint some other suitable person as aforesaid to fill the said vacancy.

II. *Be it further enacted*, That where such appointment shall be made, either in vacation or in term time, the judge making the same, shall give to the person appointed an order on the person or persons in whose custody the records of said court shall be, who shall deliver the same in obedience to the said order. Delivery of records.

III. *Be it further enacted*, That whenever any appeal shall be had from the county court, to the superior court of law and a vacancy shall have happened in the office of clerk of the said superior court, so that the appellant cannot file the transcript of the record, within the time prescribed by law, on the appellant's making it appear to the satisfaction of the court, to which the said appeal shall be returnable, that he had made application to the clerk of the county court for a transcript of the record within time to have filed the same fifteen days before the sitting of the said superior court, the transcript of the record shall be filed in said court, and the cause shall stand for trial at the succeeding term. In cases of appeals.

CHAP. VI.

An Act to alter and amend the charters of the State Bank of North-Carolina.

WHEREAS it is expedient and will be advantageous to alter and amend the charter of the state bank of North-Carolina, and whereas the stockholders of the said bank, at a general meeting, have given their assent to the following alterations and amendments of the said charter:

I. *BE it therefore enacted by the the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the treasurer of this state be authorised and directed, and he is hereby authorised and directed as soon as he can conveniently do the same, to issue the sum of eighty thousand dollars in treasury notes, of the following denominations, to wit, of five cents, six and a quarter cents, ten cents, twelve and a half cents, twenty cents, twenty-five cents, thirty cents, forty cents, fifty cents and seventy-five cents; and these notes shall have such margin and devices as the treasurer shall think proper to adopt, shall be made payable to bearer, at the treasury of this state, shall be dated, numbered and signed by the treasurer, or by such person or persons as he may appoint and employ to assist him, in dating, numbering and signing the same, under his immediate controul, superintendence and inspection, and immediately paid over by him to the cashier of said bank: they may be thrown into circulation by the said bank, and they shall be redeemed by the treasurer from time to Treasurer directed to issue \$80,000 in treasury notes.

1816

time, as they shall be presented for payment, and by him may again be circulated, and they shall be receivable in debts and taxes due to the state. And the said treasury notes when so received by the cashier, shall be in part payment of the debt due from this state to the said bank, and the interest accruing on so much thereof shall immediately cease.

CHAP. VII.

An Act declaring the duty of Clerks and for other purposes.

Clerk shall
summon guar-
dians.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act it shall be and is hereby declared to be the duty of the clerk of the court of pleas and quarter sessions in the several counties in this state respectively, to issue, ex officio, summons returnable to next court, against all guardians, whether resident in the same or any other county, who shall fail to appear and exhibit his, her or their account as required by the provisions of the act passed in the year seventeen hundred and sixty two.

Penalty.

II. And be it further enacted, That if any clerk shall neglect or refuse to perform the duty herein enjoined upon him, he shall forfeit and pay the sum of fifty pounds, to be recovered by action of debt, before any court having jurisdiction thereof, to be applied to the use of the ward of said guardian.

Fees.

III. And be it further enacted, That the clerk, for issuing the summons herein directed, shall be entitled to demand and receive the sum of sixty cents, to be collected by the sheriff or other officer, at the time of serving said summons, and accounted for to the clerk at the return of the same: Provided, that nothing herein contained shall be construed to subject to payment of costs aforesaid, any guardian who may have before the return of such summons, finally settled with his ward, or will make it appear to the court, that he was prevented by sickness or other unavoidable cause, from exhibiting his account agreeably to the directions of the act of seventeen hundred and sixty-two.

CHAP. VIII.

An Act to compel Retailers of Spiritous Liquors by the small measure to take a licence from the County Court and for other purposes.

Seven justices
must be pre-
sent to grant a
licence.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of March next, every person wishing to retail spiritous liquors by the small measure shall apply to the county court of pleas and quarter sessions, of the county in which they reside, and obtain a licence therefor, which licence shall be granted by the said court, seven justices being present on the bench, to such person or persons only as may give satisfactory evidence to the said court, of their good conduct, and moral character. And upon the same being granted, as aforesaid, the party praying such licence shall pay to the clerk of the said court, the sum of forty-eight shillings, and thereupon obtain from the said clerk, a licence to retail spiritous liquors at their usual place of residence, for the term of one year. And the said clerk shall account for, and pay into the treasury of this state, the sum of forty shillings, for each and every licence by him issued, as aforesaid, at the time of making his return of taxable property.

Penalty.

II. And be it further enacted, That if any person shall retail spiritous liquors by the small measure contrary to the true intent and meaning of this act, such person or persons so offending, shall be subject to indictment, either in the county or superior court, for the same, and upon conviction, shall be fined at the discretion of said court, a sum not less than five pounds for each and every offence.

Former acts
repealed.

III. And be it further enacted, That so much of the laws of this state, as authorises retailers to enlist themselves as such, with the justice at the time of taking a list of their taxables, and all other laws which come within the meaning of this act, be and the same are hereby repealed and made void.

CHAP. IX.

An Act to explain and amend an act passed in the year 1773, chapter 4th, entitled an act for the relief of Insolvent Debtors, with respect to the imprisonment of their persons.

Preamble.

WHEREAS it frequently occurs that debtors taken in execution, are removed for safe keeping from the county where the judgment was obtained, to the jail of some other, and doubts are entertained whether the justices of the peace of any county but the one from whose court the execution issued, can legally discharge a debtor, under the insolvent debtor's law, whereby much hardship is often sustained by such debtors; for remedy whereof,

Who may ad-
minister the
oath.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the justices of the peace of any county within this state, shall and may legally cause to be brought before them, any person confined for debt within the jail of their county, and to administer to him, her or them the oath prescribed for the relief of insolvent debtors, and grant him, her or them a discharge as well when the execution under which the person of said debtor is confined has issued from the court of another county, as where it issued from the court of their own county: Provided, that nothing in this act shall be construed to repeal that part of said recited act which requires notice to be served on the creditor or creditors of such debtor or debtors.

CHAP. X.

An act allowing further time for registering grants, proving and registering Deeds, Mesne conveyances, Powers of Attorney, bills of sale and deeds of gift.

Two years
allowed.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all grants for lands in this state, all deeds of mesne conveyance, powers of attorney, under which any lands, tenements or hereditaments have been, or may be conveyed, bills of sale, deeds of gift, already proved, as deeds of conveyance are required to be proven, or which may hereafter be proven, shall and may within two years after the passing of this act, be admitted to registration, under the same rules, and regulations, and restrictions as heretofore appointed by law; and said grants, deeds, mesne conveyances, powers of attorney, bills of sale, and deeds of gift, shall be as good and valid as if they had been

proven and registered within the time heretofore allowed, any law to the contrary notwithstanding. 1816.

II. *Be it further enacted*, That all deeds issued from the office of the late Earl Granville, Earl Granville's and not already registered may have a further time of twelve months allowed for registration, Deeds. and the proof necessary thereto, shall be by parity of hands, which shall be good and valid in law.

CHAP. XI.

An act to amend an act passed in the year one thousand eight hundred and fifteen, entitled an act making further provision in favor of the owners of strays.

WHEREAS the above recited act lays additional duties on the rangers without any compensation therefor.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the rangers shall be allowed the sum of fifty cents, over and above the sum now allowed for each stray by them advertised, according to the provisions of the before recited act, to be paid by the taker up of said stray, which sum shall be repaid by the owner. Rangers allowed 50 cents.

CHAP. XII.

An act to direct the disposal of negroes, mulattoes and persons of color, imported into this state, contrary to the provisions of an act of the Congress of the United States, entitled "an act to prohibit the importation of slaves into any port or place, within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight."

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That each and every negro, mulatto or person of color, imported into this state, from any foreign port or place for a slave, or to be held to service or labor, since the first day of January, in the year one thousand eight hundred and eight, contrary to the provisions of an act of Congress, entitled an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, approved the second day of March, 1807, (except as hereinafter provided) shall be sold and disposed of for the use of the state. Shall be sold for the use of the state.

II. *Be it further enacted by the authority aforesaid*, That the sheriff of each county of this state, shall, and he is hereby authorised and required, to seize and take into his possession, every negro, mulatto and person of color, of the description aforesaid, as well those which have been, as those which shall be imported as aforesaid, found or which shall be found, in the county of which he is sheriff, and such negro, mulatto or person of color so taken in his possession, to sell and dispose of at public sale (giving previous notice of fifteen days of the time of such sale, by advertisement in one of the newspapers published in this state,) to the highest and best bidder, at a credit of six months, the purchaser entering into bond with security, to be approved by said sheriff, for the payment of the purchase money, which money when received the sheriff so receiving shall account for and pay to the treasurer of this state, after deducting from the gross amount thereof, the several sums hereinafter authorised by him to be retained: the monies collected by virtue of this act shall be paid and accounted for at the treasury, by the several sheriffs, at the same time, and under the regulations and penalties as prescribed in accounting for and paying the public taxes. Sheriff's duty.

III. *Be it further enacted*, That where any such negro, mulatto or person of color, as is above mentioned shall abscond, or so conceal him or herself, that he or she cannot be taken by the sheriff, said sheriff may offer a reward not exceeding one fifth part of the value of such negro, mulatto or person of color, to any person or persons who shall apprehend and deliver him or her to the sheriff or his deputy, and shall then sell said negro, mulatto or person of color as above directed; or such sheriff may in his discretion proceed to advertise and sell such negro, mulatto or person of color, as directed in the foregoing section, without offering a reward, although such negro, mulatto or person of color may not be in the custody or possession of said sheriff, at the time of said sale. In case of absconding.

IV. *Be it further enacted*, That whenever any person shall discover any negro of the description aforesaid, in any county of this state, and give such notice thereof to the sheriff of the county, that he shall in consequence of such information obtain the said negro, mulatto or person of color, the person or persons giving such information shall be entitled to receive from the said sheriff one fifth part of the sum for which said negro, mulatto or person of color shall afterwards sell, to be retained as well as the reward offered as directed in the preceding section, out of the proceeds of the sale, and paid to the person entitled to the same by said sheriff.

V. *Be it further enacted*, That all sales by virtue of this act shall be made at the court-house of each respective county, and the sheriff selling, or his successor in case of his death, resignation or removal from office, shall execute and deliver to the purchaser, his executors, administrators or assigns, a bill of sale for such negro, mulatto or person of color so sold, which shall vest in the purchaser the absolute property in the same, and the title so acquired shall not be effected by the want of advertisement or by any other irregularity in such sale or proceedings, on the part of the sheriff. Place of sale.

VI. *Be it further enacted*, That every sheriff selling as aforesaid may retain out of the purchase money, of such negro, mulatto or person of color, so sold, besides the rewards above directed to be paid and besides the reasonable charges at which the said sheriff shall be in keeping such negro, mulatto or person of color till the day of sale, and in advertising as aforesaid, the further sum of six per centum on the gross proceeds of such sale, which shall be in full compensation of his services. Sheriff's fees.

VII. *Be it further enacted*, That where any person or persons shall have purchased before the 18th of November, 1816. for a fair and valuable consideration, any such negro mulatto or person of color so imported into this state, contrary to the provisions of the said act of congress, of and from any person or persons originally importing such negro, mulatto or person

18 6. of color, or the master, agent or attorney of such importer or importers and such sale or purchase shall not be merely colorable to defect or evade the provision of this act, in that case the sheriff in whose county such negro, mulatto or person of color is found, and the sheriff of the county where such purchaser resides, shall not proceed to sell such negro, mulatto or person of color, but upon due proof being made of such sale and purchase before the chief or other Justice of the supreme or superior courts such chief or other Justice shall give to such purchaser a certificate under his hand directed to the sheriff of the county where such negro, mulatto or person of color is or the purchaser resides, specifying the negro mulatto or person of color, with respect to which such proof shall have been exhibited and on receipt of such certificate such sheriff shall execute and deliver to such purchaser or his representative a bill of sale for such negro, mulatto or person of color and the benefit of this section shall extend to the assignee or assignees of such purchaser as well as to such purchaser and his representatives.

VIII. *And be it further enacted*, That the several provisions of this act shall extend and apply to every negro, mulatto and person of color, the issue of any negro, mulatto or person of color so imported as aforesaid.

CHAP. XIII.

An act concerning Public Jails, Court Houses and Stocks.

County Court to lay a tax. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Justices, in the several counties in this state, shall from time to time lay a sufficient tax to erect, and keep in good repair, the public jail, courthouse and stocks, in their respective counties, and the public jails shall be constructed in the manner and with the number of apartments now directed by law.

Jailer's duty. II. *Be it further enacted*, That it shall be the duty of the jailor, or keeper of any public prison, to cleanse each and every day, the room of the prison in which any person shall be confined, and cause all filth to be removed therefrom, and also to furnish to the prisoner or prisoners, confined in said jail, good and wholesome water, at least three times in each and every day.

Duty of Grand Jury. III. *Be it further enacted*, That it shall be the duty of the grand jury, in each county, at every court holden for the said county, to visit the jail of said county, and examine the apartments, in which prisoners shall be confined, and they shall report to the court the condition of the said jail, and of the prisoners confined therein, and also shall report to the court the manner in which it shall appear to them, the jailer has discharged the duties imposed by this act.

IV. *Be it further enacted*, That the county courts shall regulate the allowances to be made to persons summoned to guard their respective jails.

CHAP. XIV.

An act to amend the laws in force respecting the trial of slaves in capital cases.

Trial of slaves. *BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That in all cases in which a slave or slaves shall be charged with the commission of an offence, the punishment whereof may extend to life, the superior courts of law shall have exclusive jurisdiction within their respective counties, the trial shall be conducted in the same manner, and under the same rules, regulations and restrictions, as trials of freemen for a like offence are now conducted, except as is hereinafter provided, and notice of trial shall be given to the owner or owners of such slave or slaves, in the manner now directed in the case of the trial of slaves in the county courts.

Removal of trial. II. *Be it further enacted*, That such cases may be removed for trial to an adjoining county, upon affidavit of the owner, or in his absence, of the council of such slave or slaves, in the same manner as causes may now be removed by freemen.

III. *Be it further enacted*, That a slave shall not be tried for a capital offence, but on presentment or indictment of the grand jury, and on his trial shall be entitled to the right of challenge for cause only, which challenge he shall make by and with the advice and assistance of his owner, or in his absence, of his counsel.

IV. *Be it further enacted*, That a slave convicted of a clergyable offence, shall be entitled to the benefit of clergy, in like manner with a free man.

Court of Oyer and Terminor. V. *Be it further enacted*, That in all cases of conspiracy, insurrection or rebellion of slaves upon the information, and at the request of any five justices of the peace of the county in which such conspiracy, insurrection or rebellion shall happen, it shall be the duty of the governor, for the time being, to issue a commission of oyer and terminor, to any of the judges of the superior courts of law, for the trial of such slaves, in the manner prescribed in the act of 1777, chapter 2, and of 1779, chapter 6.

VI. *Be it further enacted*, That all laws, and clauses of laws, which come within the meaning and purview of this act, be and the same are hereby repealed.

CHAP. XV.

An act concerning the estate of persons dying intestate.

Preamble. WHEREAS great loss to estates is sometimes suffered, where persons die intestate during the recess of the county courts, for the want of authority, in same person, to collect the assets, and expose to sale such parts thereof as are likely to perish, or be much impaired in value, before the sitting of the next court of pleas and quarter sessions, of the county in which the said deceased had his last usual place of residence.

Special letters of administration granted. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That where any person shall die intestate, and his or her estate is in such situation as to require the immediate care of some discreet person, it shall be lawful for any three justices of the peace, of the county in which the deceased had his or her last usual place of residence, to meet together at the clerk's office, of the said county, and to grant to some discreet person, special letters of administration on the estate of the said deceased, authorising and empowering said person to collect and take into his or her possession the estate of the said deceased, until the next ensuing court of pleas and quarter sessions of said county, and to expose to public sale upon a credit, not more than twelve, nor less than 6 months,

so much of the crop, stock and provisions on hand, as the said three justices may deem advisable; and a schedule of such stock, crop and provisions so directed to be sold, shall be made out by the said three Justices, and a copy thereof signed by them shall be filed with the clerk of the said county; and the said Justices, before granting letters of administration as aforesaid, shall require, and take from the person to whom the same shall be granted, bond with approved security in such sum as the said three justices shall order and direct, conditioned for his or her faithful administration of the said estate, until the next ensuing court of pleas and quarter sessions of the said county, and for his or her faithfully accounting for and delivering over the said estate to such person or persons, as the said court shall appoint as administrator of the said estate. And the said bond shall be filed with the clerk of the said county court, for safe keeping, and the said county court shall proceed to grant general letters of administration to such person or persons as are or may be legally entitled to the same, and the same fees shall be allowed to the clerk of the said court, for taking the bond first mentioned as aforesaid, as are allowed by law for taking bonds in common cases of administration: provided, that nothing in this act contained shall prevent the family of the deceased from using the crop, stock, and provision of the deceased, until the granting of the said special administration; nor affect or impair the rights of the widow, to a year's allowance as now established by law.

1816.

Bonds to be taken and filed.

Clerk's fees.

CHAP. XVI.

An act concerning the navigation of Neuse River and to amend an act passed in the year one thousand eight hundred and twelve, entitled an act for opening and improving the navigation of Neuse River.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all the rights, privileges and franchises granted to the Roanoke Navigation Company, by the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, seventeenth and eighteenth sections of an act passed in the year one thousand eight hundred and twelve, entitled "an act for improving the navigation of Roanoke River, from the town of Halifax to the place where the Virginia line intersects the same," be and they are hereby granted to the "Neuse River Navigation Company" incorporated by an act passed in the year one thousand eight hundred and twelve, entitled "an act for opening and improving the navigation of Neuse River;" and the said sections shall constitute and form part of the charter of the said company as applied to the Neuse River and the streams which run into the same.

Privileges the same as granted to Roanoke Company.

II. And be it further enacted, That the rights, privileges and franchises of the said Neuse River Navigation Company, shall extend from the sources of the Neuse River to Fort Bainwell in Craven county, and of the several rivers and creeks running into the said river above that place; and the president and directors of the said company shall have power, and they are hereby authorised to engage persons to improve the navigation of the Neuse River and its waters as aforesaid, by canals, locks and sluices or otherwise as may be deemed most expedient.

*III. Be it further enacted, That the general meeting of the stockholders in the said company, shall be held in the city of Raleigh, or at such other place as the stockholders or the president and directors of said company shall appoint: and the president and directors shall continue in office until others shall be appointed by the stockholders, in general meeting. At any time or times after the first day of February next, books may be opened for receiving subscriptions for an increase of the capital stock of the said company, at the discretion of the stockholders, or a majority of them, for such sum or sums as in their opinion will be sufficient to effect the purposes of the navigation aforesaid, and the other purposes of this act; and if at any time when books shall be opened as aforesaid, more shares shall be subscribed than the said books shall be opened for, the president and directors shall proceed to strike off from the said subscriptions until the same shall be reduced to the sum for which the said books shall be opened, and in striking off from the said subscriptions, they shall proceed in the manner prescribed in the first section of the act aforesaid, passed in the year one thousand eight hundred and twelve, entitled "an act for improving the navigation of Roanoke river, from the town of Halifax, to the place where the Virginia line intersects the same:" *Provided*, That there shall in no case be a striking off from the subscription of the state.*

Meeting of Stockholders.

Opening of Books.

IV. Be it further enacted, That the president and directors shall designate the persons under whose care the books shall be opened for receiving subscriptions for an increase of capital stock, and determine how long and at what places the said books shall remain open, but the said books shall remain open at least twenty days.

And whereas it may become necessary to sell some of the shares of the said subscribers for balances which may be due thereon.

V. Be it further enacted, That the books of the said company shall be deemed good evidence of such sale, and of the purchase of said shares.

And whereas by improving the navigation of the Neuse river and the various streams which run into the same, the said company will become entitled to tolls at different places but of unequal amount.

*VI. Be it enacted, That the stockholders in a general meeting, or the president and directors shall have power to regulate and determine the tolls which shall be paid, and from time to time alter the said tolls: *Provided*, That the said tolls shall be so fixed that the profits arising therefrom shall not exceed fifteen per cent. per year upon the capital stock actually paid for the purposes of the said navigation after payment of all the sums allowed annually to the officers of the said company, expences incurred for repairs and other incidental charges: and the president and directors shall so apportion the tolls to be paid at different places on the said river, as to do equal and impartial justice, as near as may be, to all persons transporting commodities along the said navigation, and shall be so regulated that the different persons transporting commodities along the said river, shall as near as may be, pay tolls proportioned to the advantages derived by them from the improvements of the navigation of said river, by the company aforesaid, and where no improvements shall be made no tolls shall be levied.*

Tolls.

VII. Be it further enacted, That the General Assembly, may from time to time, call upon the president and directors of the said company, for an account of the capital stock actually

1816.

Toll bridges.

paid as aforesaid, and of the amount of tolls received, which amount shall be rendered upon oath, and the president and directors of the said company, whenever a majority of the stockholders in general meeting shall deem the same to be advisable, shall be and they are hereby authorised out of the capital stock aforesaid, or the tolls which shall be received, to construct one or more toll bridges across the Neuse river or any of the streams which run into the same: and for the condemnation of lands necessary for the erection of abutments of said bridges, and the erection of toll houses, the same proceedings shall be had as are prescribed for the condemnation of lands for canals in and by the act aforesaid, passed in the year one thousand eight hundred and twelve.

Turnpike from Raleigh.

VIII. *Be it further enacted*, That the president and directors of the said company be and they are hereby authorised to make or construct a turnpike road, from the city of Raleigh to some convenient point on the Neuse river, not more than ten miles distant from said city, and for the condemnation of lands necessary for the said turnpike road, and the erection of toll houses thereon, the same proceedings shall be had as are prescribed for the condemnation of lands for canals in and by the act mentioned in the preceding section, except as to so much of said road as shall be laid off across the public lands adjacent to the city of Raleigh; and the said company shall be and they are hereby authorised to lay off said road across said public lands, and to construct the same thereon, free and clear of any charge to the state, for and on account of the same, and the said company shall be entitled to ask and receive tolls from all persons travelling or passing along the said turnpike, and for all commodities transported along the same: and the president and directors shall regulate and determine the said tolls in such way, that they shall not receive more than fifteen per cent. annually upon the capital stock, actually paid for the purposes of the said turnpike, after payment of all sums allowed annually to the persons employed as toll gatherers or otherwise on the said turnpike, expences incurred for repairs and other incidental charges.

Profits limited.

State subscriptions.

IX. *Be it further enacted*, That the treasurer shall subscribe on behalf of the state, on the books of the said company, when they shall be opened for receiving subscriptions for an increase of the capital stock of the said company sixty shares, and the state shall be upon the same footing with other subscribers as to payments to be made for shares, and the state may appoint a director of said company at any time when the General Assembly shall think proper, who shall hold such appointment until the next General Assembly thereafter and no longer, unless reappointed. The treasurer shall represent the state in all the meetings of the stockholders, either personally or by proxy. The several banks in this state and all other bodies politic and corporate, shall be and they are hereby authorised to subscribe for shares in the said company, and to hold and enjoy the same in the same way as other subscribers.

Time for completing the navigation.

X. *Be it further enacted*, That if the said company shall not complete the said navigation so as to admit the safe passage of boats through the same, and also complete the said turnpike road within ten years after the first day of January next, all preference in favor of the said company shall be forfeited, as to the stream or streams not made navigable, and all rights, privileges and immunities to the said turnpike, or for or on account of the same, shall cease and determine.

XI. *Be it further enacted*, That the stockholders in the Neuse River Navigation Company aforesaid shall make known to the Governor on or before the first of March next, their acceptance or rejection of this amended charter, and if they fail to make known their acceptance or rejection on or before the said day, such failure shall be deemed and taken to be an acceptance thereof: and all acts and clauses of acts which come within the meaning and perview of this act, or which grant rights, privileges and franchises at variance with those given by this act, but which rights, privileges and franchises have not as yet been used or enjoyed, be and the same are hereby repealed and made void.

CHAP. XVII.

An act to control and vest lapsed legacies in certain cases.

Preamble.

WHEREAS it is a rule of the common law as in force and use in this state, that where any person makes a last will and testament in writing, and devises any portion of his or her estate, to his or her child or children, and the heirs, executors, administrators and assigns of such child or children, and such child or children dies before such testator or devisor, leaving issue, that then and in such case the legacy, share or proportion of such testator's estate so devised, lapses or falls into the residuum where one is devised, and in other cases descends and is distributable among his next of kin generally, as in cases of intestacy, to the prejudice of the beneficent views of such testator, and to the just expectations of the issue of such child or children; for prevention whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when any person shall hereafter die, leaving a last will and testament in writing, and thereby devise any share of his or her estate, to his or her child or children, without more saying, or to such child or children, his, her or their heirs, executors, administrators or assigns, and such child or children shall have died in the life of such testator or testatrix, in every such case the said legacy, devise or bequest shall take effect and vest a title to the property or share of estate described and mentioned in the same, in the issue of such child or children, if any, in the same manner and to the same extent as it would have vested in such child or children, had he, she or they been in full life at the death of the testator and the taking effect of such will; any law or rule of law to the contrary in any wise notwithstanding.

II. *And be it further enacted*, That this act shall be in force from and after its passage.

CHAP. XVIII.

An act to annex part of Beaufort to the county of Martin.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the line dividing the counties of Beaufort and Martin, shall run in the following manner, (viz.) Beginning where the line that now divides the said counties intersects the Bear Grass Swamp, running

along the main drain of said swamp, to the main drain of Tranter's Creek, thence up the main drain of said creek to the mouth of the Flat Swamp, the present dividing line between the counties of Martin and Pitt, any law to the contrary notwithstanding.

1816.

CHAP. XIX.

An act to establish a superior court of law, and court of equity in the county of Columbus and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That there shall be a superior court of law and court of equity, opened and held in the county of Columbus, on the second Monday after the 4th Monday in March and September next, and on the 2d Monday after the 4th Monday in March and September in each and every year thereafter, which courts shall have the same jurisdiction, that the present superior courts of law and courts of equity, in the several counties in this state now have and exercise.

Time of holding Court.

I. And be it further enacted, That the county of Columbus, shall hereafter constitute a part of the fifth circuit, and the Judge and Solicitor, who may attend the superior courts in said county, shall be entitled respectively to the same pay for attending said courts, that they are now by law entitled to receive for attending other superior courts in said circuit.

III. And be it further enacted, That the said superior courts, and also the county courts of Columbus shall be held in the same manner, and exercise the same powers and authorities, and be subject to the same laws, rules, regulations and restrictions of the other superior courts and county courts of the several counties in this state.

IV. And be it further enacted, That the superior courts hereby established shall in all respects have the same powers as the other superior courts of this state. That a clerk and clerk and master in equity, both of skill and probity, and residents in the county of Columbus, shall be appointed for the same by the Judge attending the first term of said court, the said clerk and clerk and master in equity shall give bonds and security as directed by law for such officers, and take the oaths prescribed for their qualification. The county court of Columbus shall appoint thirty Jurors to attend the said court in the same manner that Jurors are appointed to attend the other superior courts of this state.

V. And be it further enacted, That all civil causes, depending in the superior courts of law and equity for Bladen county, the plaintiff in which causes resides in Columbus county, and also all actions of ejectment and trespass, quare clausum fregit, for concerning lands lying in Columbus county, shall be transferred with the process and proceedings thereon, to the superior court of law of the county of Columbus hereby established; and the provisions of an act passed in the year 1806, entitled an act, amendatory and supplemental to an act entitled "an act for the more convenient administration of justice, passed at the present session of the General Assembly" for the appointment, summoning and attendance of Jurors, for the transmission and receipt of the records, proceedings and papers for docketing, and bringing the causes forward for trial; for summoning witnesses, for issuing original and mesne process, prior to the first term of Columbus superior court, and generally for all other purposes relative to the preparation for trial and determination of the business of said court, be, and the same are hereby extended to the superior courts of Columbus county; the neglects and failures of the several officers of the superior courts of Bladen and Columbus, and of the county court of Columbus, shall be subject to the same penalties and forfeitures as are prescribed for similar neglects and failures by the said act, and the said officers shall be entitled to the same fees for their services as are established by the said act for like services.

Removal of causes.

VI. And be it further enacted, That the superior courts of the several counties hereinafter mentioned, shall, after the next spring circuit, be opened and held on the days following, to wit: The superior court of the county of Montgomery shall be opened and held on the first Mondays in March and September in each and every year; the superior court of the county of Anson shall be opened and held on the second Monday of March and September in each and every year, the superior court of the county of Richmond shall be opened and held on the third Monday of March and September in each and every year, the superior court of the county of Robeson shall be opened and held on the fourth Monday of March and September in each and every year, the superior court of the county of Bladen shall be opened and held on the first Monday after the fourth Monday of March and September in each and every year, the superior court of the county of Columbus shall be opened and held on the second Monday after the fourth Monday of March and September, the superior court for the county of Brunswick shall be opened and held on the Thursday following, that is to say, of the same week, the superior court of the county of New Hanover, shall be opened and held on the third Monday after the fourth Monday in March and September in each and every year; the superior court of the county of Sampson shall be opened and held on the fourth Monday after the fourth Monday of March and September in each and every year, the superior court for the county of Cumberland shall be opened and held on the fifth Monday after the fourth Monday of March and September in each and every year; the superior court for the county of Moore shall be opened and held on the sixth Monday after the fourth of March and September in each and every year; and all process and proceedings of every kind, depending in and issued from any of the said superior courts at the time when the alteration of the terms thereof above prescribed shall take effect, shall stand continued and be returnable accordingly.

Time of holding the Courts 5th Circuit.

VII. And be it further enacted, That nothing in this act contained, shall be construed to prevent the trial of any cause in the superior court of Bladen county, at the next term thereof.

CHAP. XX.

An Act to provide a suitable punishment for persons convicted of Felonies within Clergy.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when any person shall hereafter claim his or her benefit of clergy, upon conviction of any felony, and the same shall be allowed, it shall be in the power of the court before which such conviction was had, instead of the burning of the hand of such convict, to order and adjudge him or her to receive one or more public whippings, or to

1816

pay a moderate pecuniary fine in the discretion of said court, under all the circumstances of the case, and the entry of such judgment shall have the same legal effects and consequences to all intents and purposes as if the person so convicted had been burned in the hand, in presence of the court as heretofore practised.

CHAP. XXI.

An act to appoint commissioners for the purpose of opening a navigable canal from Turnagin Bay to Long Bay in Craven county and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That S. Nelsor, Joseph Wallis, Joseph Nelson and Christopher Neal of Craven county, and Whittington Davis, Asa Bishop and John Mayo of Carteret county, be and they are hereby appointed commissioners, with full power and authority to open books and receive subscriptions for the purpose of cutting and opening a navigable canal from Turnagin Bay to long bay in Craven county.

II. And be it further enacted, That the said commissioners shall have full power, and authority to employ some proper person or persons as undertakers to perfect the opening the said canal from Turnagin to Long bay as aforesaid, and who shall be paid by the commissioners aforesaid, agreeable to their contract.

III. Be it further enacted, That the said commissioners shall not proceed to execute the powers above given, until twelve months after the first day of February next, and until the said twelve months shall have elapsed, the said Joseph Nelson shall have the sole privileges of cutting the canal as aforesaid, and if said Joseph Nelson shall proceed to cut the same, then this act shall cease to operate, otherwise it shall remain in full force.

CHAP. XXII.

An act to incorporate a company for the purpose of cutting a canal and improving the navigation of new river in Onslow county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful to open books in the county of Onslow, on the first Monday in March next, under the management of Christopher Dudley, Solomon E. Grant, William P. Ferrand, Edward Ward, Eli W. Ward, William L. Hill, Daniel Nixon, Lenard Humphrey and James Glen for receiving and entering subscriptions to the amount of twenty thousand dollars, for said undertaking, which subscriptions shall be made personally or by power of attorney, and may be paid in money current in the state, and shall be kept open until the said sum shall be subscribed, and the said capital sum shall be divided into shares of one hundred dollars each, of which every person subscribing may take and subscribe for one or more whole shares and not otherwise, and each person at the time of subscribing, shall pay down to the managers twenty dollars, and as soon as the whole number of shares, or one half of the same shall have been subscribed, the managers aforesaid shall call a meeting of the subscribers which shall be advertised at three public places in the county, at least one month before the day appointed for the said meeting: *Provided*, That unless one half of the said capital shall be subscribed, all subscriptions made in consequence of this act shall be void, and the money paid as aforesaid on account of each share shall be paid back to the respective subscribers; and in case one half and less than the whole of the capital shall be subscribed as aforesaid, then the president and directors are hereby empowered and directed to take and receive the subscriptions which shall be first offered in whole shares as aforesaid until the whole number of shares shall have been made up.*

II. And be it further enacted, That in case one half of the said capital or a quarter sum shall be subscribed as aforesaid, the subscribers, and their heirs and assigns, from the time of the said first meeting shall be, and they are hereby declared to be incorporated into a company, by the name of New River Canal Company, and may sue and be sued, plead and be impleaded as such, and such of the subscribers as shall be present at the said meeting, or a majority of them are hereby empowered and required, to elect a president and six directors for conducting the said undertaking and managing all the said companies' business and concerns for and during such time, not exceeding three years, as the subscribers or a majority of them shall think fit; and in counting the votes at all general meetings of the said company, each member shall be allowed one vote for every share, as far as five shares, and one vote for every three shares above five, by him or her held at the time in said company, and any proprietor by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor, to vote and act as proxy for him or her at any general meeting.

*III. And be it further enacted, That the president and directors so elected and their successors or a majority of them assembled, shall have power and authority to agree with any person or persons on behalf of said company to cut a canal from New River Inlet in such direction through the marsh into the river, and to perform such other works as they shall judge necessary for the cutting of said canal, and clearing the same, New River from the inlet to the source of said river, or so far up as the said company may deem fit; and out of the money arising from the subscriptions and tolls to pay for the same, and thereafter to keep the same in repair, and to defray all incidental charges; and also to appoint a treasurer, clerk and such other officers, toll-gatherers, managers and servants, as they shall judge requisite, and to agree for and settle their wages or allowances, and settle, pass and sign their accounts, and also to make and establish rules of proceeding and transact all the other business and concerns of the said company, in and during the intervals between the general meetings of the same, and they shall be allowed as satisfaction for their trouble therein, such sum of money as shall by a general meeting of the subscribers be determined: *Provided always*, That the treasurer shall give bond in such penalty, and with such security as the president and directors or a majority of them shall direct, for the true and faithful discharge of the trust in him: and the allowances to be made to him shall not exceed three per cent. on the amount he may disburse, and that no officer in the said company shall have a vote in the settlement or passing of his account.*

IV. And be it further enacted, That the president and directors, and their successors or a majority of them, shall have full power and authority, from time to time as money shall be wanting, to make and sign orders for that purpose, and direct at what time and in what propor-

tions the proprietors shall advance and pay off the sums subscribed, which order shall be advertised at least one month in the public papers: and they are hereby authorised and empowered to demand and receive of the several proprietors, from time to time, the sums of money so ordered to be advanced for the carrying on and executing or repairing, and keeping in order said works, until the sums subscribed shall be fully paid, and to order the sums to be lodged in the hands of the treasurer, to be by him disbursed and laid out as the said president and directors, or a majority of them shall order and direct; and if any of the said proprietors shall refuse or neglect to pay their said proportions, within one month after the same is so ordered and advertised as aforesaid, the said president and directors or a majority of them may sell at auction and convey to the purchaser the share or shares of such proprietor so refusing or neglecting payment, giving at least one month's notice of the sale in the public papers, and after retaining the sum due, and charges of sale out of the money produced thereby, they shall refund and pay the overplus if any to the former owners, and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid, with the incidental charges, the said president and directors, or a majority of them may in the name of the company, sue and recover the balance, by motion on ten days previous notice: and the said purchaser and purchasers shall be subject to the same rules and regulations as if the said sale and conveyance had been made by the original proprietor. And to continue the succession of the said president and directors, and to keep up the same number,

1816.

Notice must be given before advances can be required.

V. *Be it further enacted*, That from time to time on the expiration of the terms for which the said president and directors were appointed, the proprietors of the said company, at their next general meeting, shall either continue the said president and directors or any of them, or shall choose others in their stead; and in case of the death, removal, resignation or incapacity of the president or any of the directors, may and shall in manner aforesaid elect any other person or persons to be president and directors, in the room of him or them so dying, removing, resigning or becoming incapable of acting.

Appointment of officers.

VI. *Be it further enacted*, That every president and director, before he acts as such, shall take an oath or affirmation for the due execution of his office, and that the presence of proprietors having one hundred shares at least shall be necessary to constitute a general meeting: and that there be a general meeting of the proprietors on the second Monday in March every year, at such convenient time as shall from time to time be appointed by the said general meeting; but if a sufficient number shall not attend on that day, the proprietors who do attend may adjourn such meeting from day to day until a general meeting of the proprietors shall be had, which may be continued from day to day until the business of the company is finished, to which meeting the president and directors shall make report, and render distinct and just accounts of all their proceedings, and in finding them fairly and justly stated, the proprietors then present or a majority of them shall give a certificate thereof, a duplicate of which shall be entered on said company's books, and at such yearly meeting, after leaving in the hands of the treasurer such sums as the proprietors or a majority of them shall judge necessary for repairs and contingent charges: and equal dividend of all the nett profits arising from the tolls hereby granted, shall be ordered and made to the proprietors of said company, in proportion to their several shares; and on any emergency in the interval between the said general meetings, the president or a majority of the directors may appoint a general meeting of the proprietors of the company, giving at least thirty days notice by public advertisement at the different public places in said county, which meeting may be adjourned and continued as aforesaid.

General meetings.

VII. *And be it further enacted*, That for and in consideration of the expences the said proprietors will be at, not only in cutting the said canal and improving said navigation, and performing all other necessary works, but maintaining and keeping the same in repair, the said canal navigation and other works with all their profits shall be and the same is hereby vested in the said proprietors their heirs and assigns forever as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be exempt from the payment of any tax, imposition or assessment whatever: and it shall and may be lawful for the said president and directors at all times hereafter, to demand and receive at some convenient place on all commodities transported through said canal and navigation or all vessels, boats and rafts, such toll and rates as shall be directed to be levied and exacted by the proprietors aforesaid, at their yearly general meeting: *Provided*, That the said toll or rates shall be made public by the first day of January, in each year, and a copy thereof be put up at the court-house of said county, and provided that the said toll or rates shall not exceed fifteen per centum per annum on the capital stock expended, after deducting the allowance to officers, expences incurred for repairs and the incidental charges; and in case of refusal to pay the tolls or rates at the time of passing the place aforesaid, and previously to passing the same, the collector of said tolls may lawfully refuse passage to whoever refuses payment, and if any vessel, boat or raft shall pass without paying the toll, then the said collector may seize such vessel, boat or raft, wherever found, and sell the same at auction for ready money, which so far as is necessary shall be applied to the paying said toll and all expences of seizure and sale, and the balance if any, shall be paid to the owner, and the person having direction of such vessel, boat or raft, shall be liable to such toll if the same is not paid by the sale aforesaid.

Fee simple granted.

Rates of toll.

Where shares are not paid for they shall be sold.

VIII. *Be it further enacted*, That the said canal and navigation compleated in virtue of this act, shall forever hereafter be esteemed and taken as public highways, free for the transportation of all goods, wares, commodities or produce whatever, on payment of the tolls or rates imposed by this act directed: And whereas it is necessary for cutting said canal and making the river navigable and other works, that a provision should be made for condemning a quantity of land for the purpose.

IX. *Be it enacted*, That it shall and may be lawful for the president and directors or a majority of them, to agree with the owners of any land through which the said canal is intended to pass for the purpose thereof, and in case of disagreement or in case the owner thereof should be a feme covert under age, non compos, or out of the state, on application to any

1816. *Manner of proceeding in condemning land.* two justices of the county, in which the land shall be, the said justices shall issue such warrant under their hands to the sheriff of the county, to summon a jury of eighteen men of his county, of probity and reputation not related to the parties nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the sheriff on receiving the said warrant shall forthwith summons the said jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every jurymen that shall appear, that he will fairly, justly and impartially value the land, not exceeding fifty yards on each side of said canal, and all damages the owner thereof shall sustain, by cutting the canal through such land, according to the best of his skill and judgment; and that in such valuation he shall not spare any person through favor or affection, any person grieved through malice, hatred or ill will: and the inquisition thereon taken shall be signed by the sheriff and some twelve or more of the jury, and returned by the sheriff to the clerk's office of his county, to be by him recorded; and on every such valuation the jury are hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the president and directors to the owner of the land or his legal representatives, and on payment thereof the said company shall be seized in fee of such lands as if conveyed by the owner to them and their successors by legal conveyance.

X. *And be it further enacted,* That all acts and clauses of acts that come within the purview and meaning of this act, be and the same are hereby repealed and made void.

CHAP. XXIII.

An act concerning the Navigation of Tar River.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Edward D. Mac Nair Theophilus Parker, Bennet Barrow, Spencer D. Cotton and Joseph Bell be and they are hereby appointed commissioners for opening Books for receiving subscriptions to the amount of seventy five thousand dollars, for improving the navigation of the Tar River, and of the several rivers and creeks which run into the same; and the said commissioners or a majority of them shall prepare Books for receiving the said subscriptions and shall open the same on or before the first day of April next at such places and under the direction of such persons as they shall designate for that purpose: which Books shall remain open until the first Monday of August next, at which time the several persons under whose direction Books shall be opened as aforesaid, shall return the same to said commissioners in the town of Tarborough: and on the said first Monday of June next there shall be a meeting of the subscribers in the town of Tarborough, and such meeting may be continued from day to day until the business be finished. If it appear to the said commissioners, upon the return of said Books, that the sum of thirty thousand dollars has been subscribed, the said subscribers, their heirs and assigns, from the time of the said first meeting, shall be and they are hereby declared to be incorporated into a company, by and under the name of "The Tar River Navigation Company," and as such may sue and be sued, plead and be impleaded, defend and be defended, have perpetual succession and a common seal: and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a President and five Directors for conducting the said undertaking and managing all the said company's business and concerns, for and during the term of one year, and thence until the next general meeting of the stockholders: and in counting the votes at all general meetings of the said company each member shall be allowed one vote for every share, as far as Ten shares, and one vote for every five shares, above ten Shares, by him or her holden at the time in the said company: and any proprietor by writing under his or her hand executed before a subscribing witness, and acknowledged or proved before a justice of the peace, may depute any member to act as proxy for him or her, at any general meeting or meetings, and the presence and acts of such proxy shall be as effectual to all intents and purposes, as the presence and acts of his or her principal could or might be.

Capital. II. *Be it further enacted,* That the capital sum aforesaid shall be divided into seven hundred and fifty shares of one hundred dollars each, and any person may subscribe for one or more whole shares, but not for part of a share. The Treasurer shall subscribe on behalf of the state, on the books which shall be opened in the town of Louisburg eighty shares; and subscriptions may be made in person or by proxy. If more than seven hundred and fifty shares shall be subscribed, before the first general meeting of the subscribers in August next, the same shall be reduced to that number by the commissioners aforesaid or a majority of them, by striking off from the said subscriptions in the manner prescribed in the first section of an act passed in the year one thousand eight hundred and twelve, entitled "an act for improving the navigation of Roanoke River from the town of Halifax to the place where the Virginia line intersects the same."

State subscription. III. *Be it further enacted,* That the President and Directors and their successors or a majority of them assembled shall have power and authority to agree with any person or persons on behalf of the company to open and improve the navigation of the Tar River, from its source to the town of Greenville, and also to open and improve the navigation of all streams running into the said river; and to make such improvements by canals, locks and sluices or otherwise, from time to time and from place to place, upon such terms as they shall think fit; and out of the said capital, and money arising from tolls, pay for making and repairing all works necessary for the said navigation; and also, to appoint a treasurer, not one of their own body but yet a proprietor, clerk, toll-gatherers and such officers, managers and servants as they shall think requisite: and also, to agree for their wages, settle and pass their accounts, and at their pleasure remove all or any of them and appoint others in their place, and also to establish rules of proceeding and generally to transact all the business of the company in the intervals between the meetings of the same: and any general meeting of the proprietors may allow the president and directors such sum of money as the said general meeting may judge a reasonable compensation for their trouble: *Provided always,* That the Treasurer shall

give bond and security as the president and directors or a majority of them shall direct ; for the true and faithful discharge of the trusts reposed in him, and that the allowance to be made to him shall not exceed one per cent. on the capital stock, and after that be disbursed, shall not exceed three dollars in the hundred for the disbursements by him made, and that no officer of the said company shall have a vote in the settlement or passing of his own accounts.

1816.

IV. *Be it further enacted*, That all the rights, privileges and franchises granted to the "Roanoke Navigation Company" by the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, seventeenth and eighteenth sections of an act passed in the year one thousand eight hundred and twelve, entitled "an act for improving the navigation of Roanoke river from the town of Halifax to the place where the Virginia line intersects the same," be, and they are hereby granted to the "Tar River Navigation Company," and the said sections shall constitute and form part of the charter of the said company as applied to the Tar river, and the streams running into the same except as hereinafter excepted.

Privileges.

V. *Be it further enacted*, That the rights, privileges and franchises of the "Tar River Navigation Company" shall extend from the sources of the Tar river to Greenville, and from the sources of all creeks and rivers running into the said river, to their mouths, except Fishing Creek ; the general meetings of the stockholders in the said company shall be holden annually in the town of Tarborough, or at such other place as the stockholders in general meeting or the president and directors shall appoint : and the president and directors shall continue in office until they shall be re-appointed or others be appointed in their place and stead.

VI. *Be it further enacted*, That the capital sum aforesaid may be enlarged from time to time at the discretion of the stockholders or a majority of them in a general meeting, should the said capital sum be insufficient to complete the navigation contemplated by the said company : and the commissioners aforesaid, may from time to time after the first Monday of June next, open books for receiving further and other subscriptions for shares, if three hundred shares be not subscribed on or before the said day.

The capital may be enlarged.

And whereas by improving the navigation of the Tar river and the several rivers and creeks which run into the said river, the said company will become entitled to tolls at different places but of unequal amount :

VII. *Be it further enacted* That the stockholders or a majority of them or the president and directors shall have power to regulate and determine the tolls which shall be paid, and from time to time alter the said tolls : *Provided*, That the tolls shall be so fixed that the profits arising therefrom shall not in any one year exceed fifteen per cent. upon the capital stock actually paid for the purposes of the said navigation, after payment of the sums allowed annually to the officers of the said company, expences incurred for repairs and other incidental charges and the said tolls shall be so apportioned as to do equal and impartial justice as near as may be, to the persons transporting commodities along the said navigation. The General Assembly may from time to time call upon the president and directors for an account of the monies actually paid for the purposes of the said navigation, and of the amount of tolls received ; which account shall be rendered upon oath.

Tolls.

VIII. *Be it further enacted*, That the president and directors whenever a majority of the stockholders in general meeting shall deem the same to be advisable, shall be, and they are hereby authorised out of the capital stock aforesaid or the tolls which shall be received, to construct one or more toll bridges across the Tar river, or any of the streams which run into the said river : and for the condemnation of lands necessary for the erection of the abutments of said bridges and the erection of toll houses, the same proceedings shall be had as are prescribed for the condemnation of lands for canals in the act aforesaid, passed in the year one thousand eight hundred and twelve.

Toll Bridges.

IX. *Be it further enacted*, That if more shares shall at any time be subscribed than the books shall be opened for, there shall be no striking off from the subscription of the state, and payments for shares subscribed for or on behalf of the state shall be made by the treasurer, and the state shall stand upon the same footing with other subscribers as to the payments to be made for shares. The Treasurer of this state shall represent and vote on behalf of the state in all general meetings of the stockholders, and in case of sickness or other cause which may prevent his personal attendance he may appoint a proxy as in the case of individual subscribers.

And whereas shares may be sold for balances due thereon : *Be it enacted*, That the books of the said company shall be good evidence of such sale and of the purchase of said shares.

X. *Be it further enacted*, That the several banks in this state and all other bodies politic and corporate, shall be, and they are hereby authorised to subscribe for shares in the said company, and to hold and enjoy the same in the same way with other subscribers.

XI. *Be it further enacted*, That if the said company shall fail to complete the navigation contemplated by this act within ten years from and after the first day of January next, all preference given to the said company shall cease and determine as to the stream or streams not made navigable as by this act directed.

Fishing Creek.

XII. *And be it further enacted*, That this act and every clause thereof shall be, constitute and form the charter of the Fishing Creek Navigation Company ; and all the rights, privileges and franchises granted by this act to the "Tar River Navigation Company," shall belong to the Fishing Creek Navigation Company.

CHAP. XXIV.

An act to amend an act entitled "An act for the appointment of auctioneers" passed in the year eighteen hundred and six.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the aforementioned act as limits the number of auctioneers to be appointed and commissioned in the city of Raleigh, and the several towns therein mentioned, be, and the same is hereby repealed : and the said commissioners respectively shall have power to appoint such number of persons as they may deem necessary, possessing in the opinion of said commissioners the proper qualifications to act as auctioneers.

Part of former act repealed.

An act concerning the navigation of the Catawba River.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all the rights, privileges and franchises granted to the Roanoke Navigation Company, by the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, seventeenth and eighteenth sections of an act passed in the year one thousand eight hundred and twelve, entitled "An act for improving the navigation of Roanoke river, from the town of Halifax to the place where the Virginia line intersects the same," be and they are hereby granted to the "North-Carolina Catawba Company," and the said sections shall constitute and form part of the charter of the said company, as applied to the Catawba river and the streams which run into the same, except as herein-after excepted.

II. Be it further enacted, That the rights, privileges and franchises of "The North-Carolina Catawba Company" shall extend from the sources of the Catawba river, and of the several rivers and creeks running into the said river, to the line of South Carolina: and the president and directors of the said company shall have power, and they are hereby authorised to engage persons to improve the navigation of the Catawba river, and its waters as aforesaid, by canals, locks and sluices, or otherwise as may be deemed most expedient.

III. Be it further enacted, That the general meeting of the stockholders in the said company, shall be held in the town of Charlotte, or at such other place as the stockholders or the president and directors of said company shall appoint: and the president and directors shall continue in office until others shall be appointed by the stockholders in general meeting. At any time or times after the first day of February next, books may be opened for receiving subscriptions for an increase of the capital stock of the said company; which increase of capital stock shall be divided into shares of one hundred dollars each, and the present shares holden in the said company, shall where practicable, be converted into shares of one hundred dollars each, and the president and directors shall issue new certificates of stock accordingly: The present stockholders in the said company shall deliver to the president and directors the certificates of stock which they now hold, and receive other certificates in lieu thereof: and as to the present stockholders, new certificates may be issued for part of a share, but no subscription shall hereafter be received for part of a share.

*IV. And be it further enacted, That the capital stock of the said company may be increased from time to time at the discretion of the stockholders, to such sum as in their opinion shall be sufficient to effect the purposes of the navigation aforesaid: and if at any time when books shall be opened for receiving subscriptions for an increase of capital stock, more shares shall be subscribed than the said books shall be opened for, the president and directors shall proceed to strike off from the said subscriptions until the same shall be reduced to the sum for which the said books shall be opened; and in striking off from the said subscriptions they shall proceed in the manner prescribed in the first section of the act aforesaid, passed in the year one thousand eight hundred and twelve, entitled "An act for improving the navigation of Roanoke river from the town of Halifax to the place where the Virginia line intersects the same:" *Provided, That there shall in no case be a striking off from the subscriptions of the state.**

V. Be it further enacted, That the president and directors shall designate the persons under whose care the books shall be opened for receiving subscriptions for an increase of capital stock, and determine how long and at what places the said books shall remain open; but the said books shall remain open at least twenty days.

And whereas it may become necessary to sell some of the shares of the said subscribers for balances which may be due thereon. *Be it further enacted, That the books of said company shall be deemed good evidence of such sale, and of the purchase of said shares.*

And whereas by improving the navigation of the Catawba river and the various streams which run into said river, the said company will become entitled to tolls at different places, but of unequal amount: *Be it enacted, That the stockholders in a general meeting or the president and directors shall have power to regulate and determine the tolls which shall be paid, and from time to time alter the said tolls: Provided, That the said tolls shall be so fixed that the profits arising therefrom shall not exceed fifteen per cent. per year, upon the capital stock actually paid for the purposes of the said navigation, after payment of the sums allowed annually to the officers of the said company, expences incurred for repairs and other incidental charges; and the General Assembly may from time to time call upon the president and directors of the said company for an account of the capital stock actually paid as aforesaid, and of the tolls received, which account shall be rendered on oath. The president and directors of the said company, whenever a majority of the stockholders in general meeting shall deem the same to be advisable, shall be, and they are hereby authorised, out of the capital stock aforesaid or the tolls which shall be received, to construct one or more toll bridges across the Catawba river, or any of the streams which run into the same; and for the condemnation of lands necessary for the erection of the abutments of said bridges, and the erection of toll-houses, the same proceedings shall be had as are prescribed for the condemnation of lands for canals in and by the act aforesaid, passed in the year one thousand eight hundred and twelve.*

VI. Be it further enacted, That the Treasurer shall subscribe on the books of the said company, when the same shall be opened for receiving subscriptions for an increase of the capital stock, sixty shares on behalf of the state, and the state shall be upon the same footing with other subscribers, as to payments to be made for shares: and the state may appoint a director of the said company at any time when the General Assembly shall think proper, who shall hold such appointment until the next General Assembly thereafter and no longer, unless re-appointed. The Treasurer either personally or by proxy, shall represent the state in the meetings of the stockholders: the several banks in this state, and all other bodies politic and corporate shall be, and they are hereby authorised to subscribe for shares in the said company, and to hold and enjoy the same in the same way as other subscribers.

Privileges,

Place of general meeting.

Increase of stock.

Toll Bridges.

State Subscription.

1816.

VII. *Be it further enacted*, That if the said company shall not complete the navigation so as to admit the safe passage of boats through the same, within ten years after the first day of January next, all preference in favor of the said company shall be forfeited as to the stream or streams not made navigable.

VIII. *Be it further enacted*, That the stockholders in the "North-Carolina Catawba Company," shall make known to the governor on or before the first day of March next, their acceptance or rejection of this amended charter: and if they fail to make known their acceptance or rejection by the said day, such failure shall be held, deemed and taken to all intents and purposes to be an acceptance thereof: and all acts and clauses of acts which come within the meaning and purview of this act, be, and the same are hereby repealed and made void.

CHAP. XXVI.

An act to authorise the inhabitants residing on Stewart's Creek in the counties of Duplin and Sampson to make the said creek navigable.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the inhabitants residing in the vicinity of Stewart's Creek, in the counties of Duplin and Sampson, be, and they are hereby authorised and empowered to clear out and make the said creek navigable from the six runs to Buck Hall, and when the obstructions are removed and the work completed, pursuant to the directions of this act, any persons throwing in obstructions or in any manner impeding the navigation thereof, shall forfeit and pay for every offence the sum of ten pounds to be recovered before any jurisdiction having cognizance thereof, one half to be applied to the use of the person suing for the same, and the other half to the use of the county in which such recovery may be had.

CHAP. XXVII.

An act to amend an act entitled "an act to prevent persons from stopping or obstructing ways leading to houses of public worship," passed in the year seventeen hundred and eighty-five.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the penalties which may hereafter be incurred under the above recited act, shall and may be sued for and recovered before any justice, within whose county the same may happen, or by indictment, any law to the contrary notwithstanding.

CHAP. XXVIII.

An act to amend an act entitled "an act to amend the several processioning laws now in force in this state," passed in the year seventeen hundred and ninety-two.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the several processioners which are or may be appointed in this state, shall be entitled to receive the same fees and emoluments which are allowed by law to county surveyors.

II. *And be it further enacted*, That the oath directed to be taken by the jury or commissioners appointed under the act aforesaid, may be administered by the processioner.

CHAP. XXIX.

An act concerning Field Officers of the Militia.

WHEREAS by an act of Congress passed the twentieth April, eighteen hundred and sixteen, it is provided that from and after the first day of May last passed, instead of one Lieutenant Colonel Commandant to each regiment and one Major to each battalion, there shall be one Colonel, one Lieutenant Colonel and one Major to each Regiment of the militia, consisting of two battalions, and where there shall be only one battalion it shall be commanded by a Major.

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That His Excellency the Governor, be, and he is hereby authorised and requested to cause the commission of Colonel to issue to each Lieutenant Colonel Commandant, and the commission of Lieutenant Colonel to each first Major, and the commission of Major to each second Major, in the several regiments of Militia, consisting of two battalions: *Provided always*, That each county shall be considered as containing at least one Regiment.

Act of Congress recognized.

II. *And be it further enacted by the authority aforesaid*, That in future all appointments made by this General Assembly of Field Officers of militia, shall be in conformity to the provisions contained in the act of congress aforesaid.

III. *And be it further enacted*, That the Division Inspector, and Division Quarter Master as required by acts of Congress of April eighteenth, eighteen hundred and fourteen, shall be appointed by the Major Generals of divisions, and commissioned by the Governor.

CHAP. XXX.

An act to enable Guardians to recover compound interest in certain cases.

WHEREAS the supreme court having decided that guardians in certain cases shall be subject to pay to their wards compound interest, and it being always difficult and often impracticable for them to get notes renewed annually, so as to enable them to receive compound interest. For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all guardians shall be entitled to recover compound interest on all notes, bonds or obligations given or made payable to him, her or them, in the capacity of guardian, in the same manner as if said notes, bonds or obligations had been renewed annually; any law, usage or custom to the contrary notwithstanding.

CHAP. XXXI.

An act to extend the time for the several Surveyors in this state to complete their returns upon entries made and paid for since the year one thousand seven hundred and ninety-six.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the several surveyors in this state shall have until the

1816. first day of January, one thousand eight hundred and eighteen, to complete their surveys upon entries actually made and paid for since the year one thousand seven hundred and ninety-six, any law to the contrary notwithstanding: *Provided*, That no grant to be obtained on any survey to be made under this act, shall effect or impair the title of any lands heretofore bona fide acquired by grants from this state.

CHAP. XXXII.

An act to amend an act passed in the year one thousand eight hundred and ten, entitled "an act to amend an act entitled an additional act to an act entitled, "Feme Coverts how to pass lands."

WHEREAS by the said first recited act provision is made for taking the examination of Feme Coverts, as to their execution of conveyances of lands in this state, in any of the United States other than this state or in any of the territories of the United States, omitting the district of Columbia.

Extended to
the district of
Columbia.

BE it therefore enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That the provisions of the said recited act for taking the examination of Feme Coverts in the several states and territories of the United States, touching the conveyances of lands in this state, be, and the same are hereby extended to the District of Columbia: and that the same modes be there observed for taking and certifying such examinations as are required to be observed in the states and territories, except that instead of the certificate and authentication of the governor, the certificate and authentication of the secretary of state of the United States shall be required. And all examinations of Feme Coverts so taken and certified in said district, shall be as valid to all intents and purposes as if taken and certified according to the said recited act, in one of the states or territories.

II. And be it further enacted, That this act be in force from and after the passing of the same.

CHAP. XXXIII.

An act to amend an act passed in the year one thousand eight hundred and fourteen, entitled "an act concerning Divorce and Alimony."

WHEREAS by the before recited act the sentence or decree which the court is authorised to pronounce in the case of desertion of a wife by her husband is a divorce from bed and board, and a decree of alimony: And whereas cases of great hardship often occur, the husband being at liberty to return and squander away the estate of the wife, subsequently obtained; for remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all future cases arising under the before recited act, whenever the court pronounces a decree of separation from bed and board the effect of said decree shall be to secure to the wife so divorced, any property which she may subsequently obtain either by her own labor, gift, devise or operation of law, unless the court shall in their judgment otherwise order and decree; any law, usage or custom to the contrary notwithstanding.

CHAP. XXXIV.

An act declaring valid the proceedings of the subscribers for improving the navigation of the river Roanoke and its waters, at a general meeting held at the town of Halifax in this state on the fourth Monday of October, A. D. one thousand eight hundred and sixteen, and for other purposes.

Preamble.

WHEREAS an act passed at the last General Assembly, entitled "an act to improve the inland navigation of this state, so far as respects the river Roanoke and its waters," directed that books should be opened at a certain time, and at certain places, under the direction of certain persons named in the said act, for the purpose of receiving subscriptions to the amount of three hundred thousand dollars for improving the navigation of the river Roanoke and its waters; and whereas many of the persons so named failed to make returns of their books to the general meeting of the subscribers, held in the town of Halifax in this state, on the fourth Monday of June last past, so that the acting managers could not then determine whether fifteen hundred shares had then been subscribed, and the subscribers then present continued their meeting by adjournment until the fourth Monday of October last past, at which time there being a general meeting of the said subscribers, held in the town of Halifax aforesaid, it appeared that fifteen hundred shares had been subscribed of the capital stock required for improving the navigation contemplated by the said act: Whereupon the said subscribers did proceed to organize "the Roanoke Navigation Company," and to appoint the president and directors thereof: And whereas doubts are entertained whether the said company has been legally organized and the said officers legally appointed, for the purpose of removing said doubts and giving effect to the proceedings of the said subscribers, and to the spirit and meaning of the act aforesaid.

Proceedings
at Halifax
sanctioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the proceedings of the subscribers for improving the navigation of the river Roanoke and its waters, at their general meeting held at the town of Halifax in this state on the fourth Monday of October last past, be, and they are hereby declared to be legal and valid to every intent and purpose; and "the Roanoke Navigation Company," then and there organized, and constituted under the act passed at the last General Assembly, entitled "an act to improve the inland navigation of this state, so far as respects the river Roanoke and its waters," is hereby declared to be legally organized and constituted under the said act; and the said company so organized and constituted shall have and be entitled to the rights, privileges and immunities by the said act granted, and be subject to the restrictions imposed by the same, and may forthwith proceed to improve the navigation of the river Roanoke and its waters according to the intent and meaning of the said act; and the officers of the said company then and there appointed, are hereby declared to be legally appointed under the said act, and they shall continue in office until the next general meeting of the stockholders to be held in the town of Halifax aforesaid, on the fourth Monday of October next, and all subscriptions for shares made upon the books mentioned in the preamble to this act, shall be binding upon the subscribers in like manner as if the said books had been returned to the general meeting of the subscribers at Halifax aforesaid, on the fourth Monday of June last

past, and in like manner as if it had then appeared that fifteen hundred shares had been subscribed before the said meeting, and the shares subscribed for on behalf of the state shall be paid for in like manner as shares subscribed for by individuals.

1816.

And whereas in consequence of the doubts aforesaid, some of the said subscribers have not paid ten dollars upon each share by him, her or them subscribed as directed by the before recited act: *Be it further enacted*, That ten dollars upon each share subscribed as aforesaid, shall be paid to the treasurer of the said company on or before the first day of January next, otherwise the president and directors of the said company may proceed to enforce such payments by legal process, or declare such share or shares forfeited as they may prefer, and each subscriber making such payment shall be held, deemed and taken a stockholder in the said company, and shall make payment of the balances due on the shares by him, her or them holden, as the president and directors of the company shall order and direct; and in case of failure to make such payment, shall be liable to the forfeitures imposed by the before recited act, and may be proceeded against in the way therein pointed out.

Provision for
payment of
shares.

And whereas under an act passed in the year one thousand eight hundred and twelve, entitled "an act for improving the navigation of Roanoke river from the town of Halifax, to the place where the Virginia line intersects the same," books were opened for the purpose of receiving subscriptions to the amount of one hundred thousand dollars and subscriptions to a considerable amount were made upon the said books; and many of the said subscribers are desirous that the sums so subscribed by them should be applied to the purpose of improving the navigation of the Roanoke river: *Be it further enacted*, That the said subscribers shall, on or before the first day of January next, make known to the president and directors aforesaid, the number of shares by them subscribed and by them wished to be retained; and shall on or before the said day pay to the treasurer of the said company ten dollars upon each share by him, her or them subscribed, and wished to be retained as aforesaid; and thereupon the said president and directors shall cause his, her or their names to be enrolled in the list of stockholders in said company, and he, she or they shall be held, deemed and taken as a stockholder or stockholders in said company, and liable accordingly, to every intent and purpose; and all subscribers under the said act, failing to make known the number of shares by them subscribed and wished to be retained by them as aforesaid, on or before the said day, shall be held and taken to have relinquished all right under their said subscriptions, and their said subscriptions are in that case declared to be void.

II. *And be it further enacted*, That the annual meetings of the stockholders in the "Roanoke Navigation Company," shall hereafter be held in the town of Halifax, in this state, or at such place as the president and directors shall appoint, on the fourth Monday of October in each and every year, and in case the said stockholders or a majority of them shall fail to meet in the town of Halifax or at such place as the president and directors may appoint on the day aforesaid, the president and directors elected for the preceding year shall continue in office until a meeting of the stockholders can be had.

Place of meet-
ing.

And whereas doubts are entertained as to the dividends which the said company shall be entitled to receive: *Be it further enacted*, That the said company shall be entitled to receive dividends only upon so much of their capital stock as the stockholders shall actually pay for the purposes of the said navigation; and the General Assembly may from time to time call upon the president and directors for a statement of the capital stock actually paid by the stockholders as aforesaid, and of the amount of tolls received, which statement shall be rendered on oath.

III. *And be it further enacted*, That the articles following, shall be, and make part of the charter of the aforesaid company, and all parts of the before mentioned acts of one thousand eight hundred and twelve and one thousand eight hundred and fifteen, inconsistent with the said articles, shall be hereby repealed. *First*. The power of purchasing and holding real estate granted to the said company, by the said act of one thousand eight hundred and twelve, shall not extend to the purchasing or holding of real estate to a greater amount than fifty thousand dollars over and above that which may be necessary for carrying on the works of said company and making and constructing the turnpike road contemplated in the seventh section of the said recited act. *Second*. That if the said company shall not open and complete the navigation of the said river and the tributary streams thereof, for the safe passage of boats within twenty years from and after the first day of January, one thousand eight hundred and eighteen, then all preference in favor of the said company in the navigation of the said river and streams respectively, so not improved, shall cease and be forfeited. *Third*. The General Assembly may from time to time regulate and restrain the rates and tables of toll established by the said stockholders, if the said rates and tables shall in the opinion of the said General Assembly be more than sufficient to make the net profit of fifteen per centum on the stock, as provided in the before mentioned acts. *Fourth*. And the company and stockholders aforesaid, shall within four calendar months after the adjournment of this General Assembly, notify His Excellency the Governor, of their acceptance or refusal of their charter, as by this act amended, and if said company and stockholders shall fail to give such notification, such failure shall be construed an acceptance of the same, and in case the said company shall refuse to accept the amendments as aforesaid to their charter, then this act and every part thereof shall be of no effect or virtue whatever, but shall be absolutely void.

Charter a-
mended.

IV. *And be it further enacted*, That this act shall be in full force immediately from and after the ratification thereof, any thing to the contrary notwithstanding.

CHAP. XXXV.

An act concerning the navigation of the Yadkin River.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Francis Locke, Lewis Beard, Alexander Long, Jesse A. Pearson and Jesse Hargrove, all of Rowan county, be, and they are hereby appointed commissioners for opening books for receiving subscriptions to the amount of two hundred and fifty thousand dollars, for improving the navigation of the Yadkin river, and of the several rivers and creeks which run into the same: and the said commissioners or a majority of them

Commission-
ers.

1816.

Opening of
Books.

shall prepare books for receiving the said subscriptions, and shall open the same on or before the first day of April next, at such places, and under the directions of such persons as they shall designate for that purpose, which books shall remain open until the first Monday of June next, at which time the several persons under whose direction books shall be opened as aforesaid, shall return the same to the said commissioners in the town of Salisbury, and on the said first Monday of June next, there shall be a meeting of the subscribers in the town of Salisbury, and such meeting may be continued from day to day until the business be finished. If it appear to the said commissioners upon the return of the said books that the sum of one hundred thousand dollars has been subscribed, the said subscribers their heirs and assigns from the time of the said first meeting, shall be, and they are hereby declared to be incorporated into a company, by and under the name of the "Yadkin Navigation Company," and as such may sue and be sued, plead and be impleaded, defend and be defended, have perpetual succession and a common seal, and such of the said subscribers as shall be present at the said meeting, or a majority of them are hereby empowered and required to elect a president and seven directors for conducting the said undertaking, and managing all the said company's business and concerns for and during the term of one year, and thence until the next general meeting of the stockholders; and in counting the votes at all general meetings of the said company, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares above ten, by him or her held at the time in the said company, and any proprietor by writing under his or her hand, executed before a subscribing witness, and acknowledged or proved before a justice of the peace, may depute any member to act as proxy for him or her at any general meeting or meetings, and the presence and acts of such proxy shall be as effectual to all intents and purposes as the presence or acts of his or her principal could or might be.

Appointment
of officers.State sub-
scription.

II. *Be it further enacted*, That the capital sum aforesaid shall be divided into two thousand five hundred shares of one hundred dollars each, and any person may subscribe for one or more whole shares but not for part of a share. The Treasurer shall subscribe on behalf of the state, on the books which shall be opened in the town of Salisbury, two hundred and fifty shares, and subscriptions may be made in person or by proxy; if more than two thousand five hundred shares shall be subscribed before the first general meeting of the subscribers in June next, the same shall be reduced to that number, by the commissioners aforesaid, or a majority of them, by striking off from the said subscriptions in the manner prescribed in the first section of an act passed in the year one thousand eight hundred and twelve, entitled "an act for improving the navigation of Roanoke river from the town of Halifax to the place where the Virginia line intersects the same."

Treasurer
shall give
bond.

III. *Be it further enacted*, That the president and directors and their successors or a majority of them assembled, shall have power and authority to agree with any person or persons on behalf of the company, to open and improve the navigation of the Yadkin river, from its source to the line of South-Carolina: and also, to open and improve the navigation of all streams in this state, running into the said river, and to make such improvements by canals, locks and sluices, or otherwise, from time to time, and from place to place, upon such terms as they shall think fit, and out of the said capital and money arising from tolls, pay for making and repairing all works necessary for the said navigation, and also, to appoint a treasurer, not one of their own body, but yet a proprietor, clerk, toll-gatherers, and such officers, managers, and servants as they shall think requisite, and also, to agree for their wages, settle and pass their accounts, and at their pleasure remove all or any of them, and appoint others in their place, and also, to establish rules of proceeding and generally to transact all the business of the company in the intervals between the meetings of the same; and any general meeting of the proprietors may allow the president and directors such sum of money as the said general meeting may judge a reasonable compensation for their trouble: *Provided always*, That the treasurer shall give bond and security as the president and directors or a majority of them shall direct, for the true and faithful discharge of the trust reposed in him: and that the allowance to be made to him shall not exceed three dollars in the hundred, for the disbursements by him made, and that no officer of the said company shall have a vote in the settlement or passing of his own accounts.

Privileges.

IV. *Be it further enacted*, That all the rights, privileges and franchises granted to the "Roanoke Navigation Company," by the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, seventeenth and eighteenth sections of an act passed in the year one thousand eight hundred and twelve, entitled "an act for improving the navigation of Roanoke river, from the town of Halifax to the place where the Virginia line intersects the same," be, and they are hereby granted to "the Yadkin Navigation Company," and the said sections shall constitute and form part of the charter of the said company, as applied to the Yadkin river and the streams which run into the same, except as hereinafter excepted.

Place of ge-
neral meeting.

V. *And be it further enacted*, That the rights, privileges and franchises of "the Yadkin Navigation Company," shall extend from the sources of the Yadkin river, to the line of South-Carolina, and from the sources to their mouths or to the said line of South-Carolina, of all the rivers and creeks running into the said river, except Lumber river and its branches. The general meetings of the stockholders in the said company shall be holden annually in the town of Salisbury, or at such other place as the stockholders in general meeting or the president and directors shall appoint, and the president and directors shall continue in office until they shall be re-appointed or others be appointed in their place and stead.

Capital may
be enlarged.

VI. *And be it further enacted*, That the capital sum aforesaid, may be enlarged from time to time at the discretion of the stockholders or a majority of them in a general meeting, should the said capital sum be insufficient to complete the navigation contemplated by the said company; and the commissioners aforesaid, may from time to time, after the first Monday of June next, open books for receiving further and other subscriptions for shares, if one thousand shares shall not be subscribed on or before the said day.

And whereas by improving the navigation of the Yadkin river and the several rivers and

creeks which run into the said river, the said company will become entitled to tolls at different places, but of unequal amount.

1817.

VII. *Be it further enacted*, That the stockholders or a majority of them, or the president and directors shall have power to regulate and determine the tolls which shall be paid, and from time to time alter the said tolls: *Provided*, That the tolls shall be so fixed, that the profits arising therefrom, shall not in any one year exceed fifteen per cent. upon the capital stock actually paid for the purposes of the said navigation, after payment of the sums allowed annually to the officers of the said company, expences incurred for repairs and other incidental charges, and the said tolls shall be so apportioned as to do equal and impartial justice, as near as may be, to all persons transporting commodities along the said navigation. The General Assembly may from time to time call upon the president and directors for an account of the monies actually paid for the purposes of the said navigation, and of the amount of tolls received; which account shall be rendered upon oath.

Regulation of tolls.

VIII. *Be it further enacted*, That the president and directors whenever a majority of the stockholders in general meeting shall deem the same to be advisable, shall be, and they are hereby authorized out of the capital stock aforesaid, or the tolls which shall be received, to construct one or more toll bridges across the Yadkin river, or any of the streams which run into the said river, and for the condemnation of lands necessary for the erection of the abutments of said bridges, and the erection of toll houses, the same proceedings shall be had as are prescribed for the condemnation of lands for canals in the act aforesaid, passed in the year one thousand eight hundred and twelve.

IX. *Be it further enacted*, That the president and directors of the said company, shall be, and they are hereby authorized to make or construct a turnpike road around the narrows and falls of the Yadkin river, if they shall deem the same to be advisable, until the navigation of the said river can be improved at the said places by means of canals, locks and sluices, and to ask and receive the same tolls for commodities transported along the said turn pike road as they would be entitled to, were the navigation improved for this transportation thereof in boats.

Turnpike roads.

X. *Be it further enacted*, That if more shares shall at any time be subscribed than the books shall be opened for, there shall be no striking off from the subscription of the state, and payments for shares subscribed for on behalf of the state shall be made by the treasurer, and the state shall stand upon the same footing with other subscribers as to the payments to be made for shares. The Treasurer of this state shall represent the vote on behalf of the state, in all general meetings of the stockholders, and in case of sickness or other cause which may prevent his personal attendance, he may appoint a proxy as in the case of individual subscribers. And whereas shares may be sold for balances due thereon:

XI. *Be it enacted*, That the books of said company shall be good evidence of such sale and of the purchase of said shares.

XII. *Be it further enacted*, That the several banks in this state and all other bodies politic and corporate, shall be, and they are hereby authorized to subscribe for shares in the said company, and to hold and enjoy the same in the same way with other subscribers, and if the said company shall fail to complete the navigation contemplated by this act, within twenty years from and after the first day of January next, all preference given to the said company shall cease and determine as to the stream or streams not made navigable, as by this act directed.

CHAP. XXXVI.

An act for opening a communication between the Yadkin and Cape-Fear rivers.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Alexander Rowland, Charles Moore, John Gilchrist, James Stuart and James McQueen, be, and they are hereby appointed commissioners for receiving subscriptions to the amount of two hundred thousand dollars for the purpose of opening a communication by canals between the Yadkin and the Cape-Fear rivers; and the said commissioners or a majority of them shall prepare books, and cause the same to be opened at such places and under the direction of such persons as they may appoint, and the said books shall be opened on or before the first day of April next and continue open until the first day of July next, at which time the said books shall be returned to the said commissioners in the town of Lumberton in Robeson county, and at the same time there shall be a general meeting of the subscribers in the said town, either personally or by proxy, and such meeting may be continued from day to day until the business be finished; and if it shall appear that one thousand shares or more of the said capital sum have been subscribed, the said subscribers, their heirs and assigns from the time of the said first meeting, shall be, and they are hereby declared to be incorporated into a company, by and under the name of "the Lumber River Canal Company," and may sue and be sued as such, plead and be impleaded, defend and be defended, have perpetual succession and a common seal; and such of the said subscribers as shall be present at the said meeting or a majority of them, are hereby empowered and required to elect a president and four directors for conducting the said undertaking, and managing all the said company's business and concerns, for and during the term of one year, and thence until the next general meeting of the stockholders; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share as far as ten shares, and one vote for every five shares above ten by him or her held at the time in the said company; and any proprietor by writing under his or her hand, executed before two subscribing witnesses, and acknowledged or proved before a justice of the peace, may depute any member to act as proxy for him or her at any general meeting or meetings, and the presence and acts of such proxy shall be as effectual to all intents and purposes as the presence or acts of his or her principal could or might be.

Commissioners.

Place of meeting.

Proxies.

II. *Be it further enacted* That if one thousand shares shall not have been subscribed at or before the said first general meeting of the stockholders, the said commissioners shall again open books for receiving further subscriptions at such time or times, and at such places and under the direction of such persons as they shall appoint; and shall give notice in some newspaper.

1816.

Provision for
striking off.State sub-
scription.Depth of ca-
nal.Privileges the
same as gran-
ted to the Roa-
noke company.Regulation of
tolls.

per printed in the City of Raleigh, or the town of Fayetteville, of the day on which said books shall be returned, and when the said number of one thousand shares shall be subscribed, the stockholders in general meeting shall proceed to elect the president and directors of the said company as aforesaid, and if more than two thousand shares shall be subscribed the said commissioners shall strike off from the said subscriptions until the number be reduced to two thousand; and in striking off the said commissioners shall proceed in the manner prescribed in the first section of an act passed in the year one thousand eight hundred and twelve, entitled "an act for improving the navigation of Roanoke river from the town of Halifax to the place where the Virginia line intersects the same," but neither upon the first nor upon any subsequent subscription shall there be any striking off from the subscription of the state.

III. *Be it further enacted*, That the capital sum aforesaid, shall be divided into shares of one hundred dollars each; any person may subscribe for one or more shares but not for part of a share: the treasurer shall subscribe in behalf of the state on the books which shall be opened in the town of Fayetteville two hundred shares. The capital sum aforesaid may be enlarged from time to time at the discretion of the stockholders or a majority of them in general meeting, should the said capital sum be insufficient to complete the navigation contemplated by this act: and the president and directors may open books from time to time to receive subscriptions to increase the capital stock, although the same be less than two hundred thousand dollars.

IV. *Be it further enacted*, That the president and directors and their successors or a majority of them assembled, shall have power and authority to open a communication by one or more navigable canals between the Yadkin and the Cape-Fear rivers, along such route as they shall mark out and determine, and to employ or agree with any person or persons on behalf of the company, to open and improve the said communication by canals, locks and sluices or otherwise, upon such terms as they shall think fit; and out of the said capital and money arising from tolls, pay for making and repairing all works necessary for the said navigation, and also, to appoint a treasurer not one of their own body, but yet a proprietor, clerk, toll-gatherers, and such officers, managers and servants as they shall think requisite, and also, to agree for their wages, settle and pass their accounts and at their pleasure remove all or any of them and appoint others in their place, and also to establish rules of proceeding, and generally to transact all the business of the company in the intervals between the meetings of the same: and any general meeting of the proprietors may allow the president and directors such sum of money as the said general meeting may judge a reasonable compensation for their trouble: *Provided always*, That the treasurer shall give bond and security as the president and directors or a majority of them shall direct for the true and faithful discharge of the trust reposed in him, and that the allowance to be made to him shall not exceed three dollars in the hundred for the disbursement by him made, and that no officer of the said company shall have a vote in the settlement or passing of his own accounts.

V. *Be it further enacted*, That the said canals shall, where practicable, be made thirty feet wide at top, and twenty feet wide at bottom, and to contain if practicable along the same a depth of water of three feet or more, and the locks and sluices shall be at least fourteen feet wide.

VI. *Be it further enacted*, That all the rights, privileges and franchises granted to "the Roanoke Navigation Company," by the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, seventeenth and eighteenth sections of an act passed in the year one thousand eight hundred and twelve entitled "an act for improving the navigation of Roanoke river from the town of Halifax to the place where the Virginia line intersects the same," be, and they are hereby granted to the "Lumber River Canal Company" and the said sections shall constitute and form part of the charter of the said company, as applied to the communication by canals contemplated by this act.

VII. *Be it further enacted*, That the rights, privileges and franchises of "the Lumber River Canal Company" shall extend from the Yadkin river to the Cape-Fear river, along the route which the president and directors shall mark out and determine for the canals aforesaid, and also from the source of the Lumber river to the mouth of the Swamp. The general meetings of the stockholders in the said company, shall annually be holden in the town of Lumberton aforesaid, or at such other place as the stockholders in general meeting, or the president and directors shall appoint: and the president and directors shall continue in office until they shall be re-appointed or others appointed in their place and stead.

VIII. *Be it further enacted*, That the president and directors whenever a majority of the stockholders in general meeting shall deem the same to be advisable, shall be, and they are hereby authorised out of the capital stock aforesaid, or the tolls which shall be received, to construct one or more toll bridges across the Lumber river; and for the condemnation of lands necessary for the abutments of said bridges, and the erection of toll houses, the same proceedings shall be had as are prescribed for the condemnation of lands for canals in the act aforesaid, passed in the year one thousand eight hundred and twelve.

And whereas by opening the aforesaid communication the said company will become entitled to Tolls at different places, but of unequal amount: *Be it further enacted*, That the stockholders or a majority of them, or the president and directors shall have power to regulate and determine the tolls which shall be paid, and from time to time alter the said tolls: *Provided*, That the tolls shall be so fixed that the profits arising therefrom shall not in any one year exceed fifteen per cent. upon the capital stock actually expended for the purposes of the said navigation, after payment of the sums allowed annually to the officers of the said company; expenses incurred for repairs and other incidental charges: And the said tolls shall be so regulated as to do equal and impartial justice as near as may be, to all persons transporting commodities along the said navigation. The General Assembly may from time to time call upon the president and directors for an account of the monies actually paid for the purposes of the said navigation, and of the amount of tolls received; which account shall be rendered upon oath.

IX. *Be it further enacted*, That the treasurer of this state shall represent and vote on behalf

1816.

of the state in all general meetings of the stockholders, and in case of sickness or other cause which may prevent his personal attendance, he may appoint a proxy as in the case of individual subscribers: payments for shares subscribed for on behalf of the state shall be made by the treasurer, and the state shall stand upon the same footing with other subscribers as to the payments to be made for shares.

And whereas shares may be sold by the president and directors of the said company, for balances due thereon, *Be it enacted*, That the books of the said company shall be good evidence of such sale and of the purchase of said shares.

X. *Be it further enacted*, That the several banks in this state, and all other bodies politic and corporate, shall be, and they are hereby authorised to subscribe for shares in the said company, and to hold and enjoy the same in the same way with other subscribers.

XI. *Be it further enacted*, That the rights of the said company to levy tolls, shall commence when they shall have opened a communication by canals between the Cape-Fear and the Lumber river, and to complete this part of their work, a period of ten years is allowed to the said company; and a further period of ten years is allowed to the said company to open the communication contemplated by this act between the Lumber river and the Yadkin river, and if the said company shall fail to complete the work aforesaid between the Cape-Fear and the Lumber river within ten years, after the first day of January next, all the rights, privileges and franchises granted to the said company shall cease and determine; and if they shall fail to complete the work aforesaid between the Lumber river and the Yadkin river, within twenty years after the first day of January next, all the said rights, privileges and franchises shall cease and determine, as to so much of the communication contemplated by this act, as lies between the Lumber river and the Yadkin river.

Time allowed for completing canal.

CHAP. XXXVII.

An act for removing logs, shoals and other impediments in the Tar River, below the town of Washington, in the county of Beaufort, and for other purposes,

WHEREAS logs, shoals and other impediments have accumulated below the town of Washington, in the county of Beaufort, from annual freshes in the river and otherwise, whereby the navigation to and from the said town is injured.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the collector of the customs of the United States for the port of Washington in the county of Beaufort, be, and he is hereby authorized and required to collect and receive from the master owner or agent of any and every vessel arriving at and departing from the said port, drawing when fully loaded, more than seven feet water, the sum of twenty cents per inch for each and every inch of the draft of water over seven feet when fully loaded as aforesaid, of each vessel at the time of her arrival at and departure from the said port; and it shall be the duty of the master or commander of every vessel arriving at, or departing from the said port, both on his arrival and departure, to declare on oath at the office of the said collector, the draft of water of the vessel so commanded or navigated by him; the form of which oath shall be as follows: I A. B. master or commander of the or vessel called the of do solemnly swear, that the draft of water of said vessel when fully laden is feet inches. so help me God; and if the master or commander of any vessel so arriving at or departing from the said port, shall refuse or neglect to comply with the provisions of this act, he shall incur a penalty of one hundred dollars, to be recovered with costs of suit by said collector of the customs in any court of this state, which said penalty when recovered, shall be paid one half to the person giving information of said neglect or refusal, and the other half shall be applied to uses and purposes hereinafter provided for.

Tax on vessels.

II. *Be it further enacted*, That the commissioners of navigation of the port of Washington, be, and they are hereby authorised and required to employ one or more discreet and skilful persons, to explore, examine and survey that part of Tar river and the channel thereof which extends from the town of Washington to Hill's point. and to ascertain the obstructions to the navigation thereof, arising from logs, stumps, shoals or any other matter or thing collected or deposited in or near the said channel, and how far it may be practicable to clear out and remove the same and the probable expense thereof; and the said person or persons be required to make correct draughts or plots of the said survey, and report in writing of their proceedings and of the state of said river, to the said commissioners of navigation, who shall thereupon engage some discreet and skilful person or persons to remove or cause to be removed such logs, stumps, shoals and other obstructions as may appear necessary to be removed.

Surveyor to be employed.

III. *Be it further enacted by the authority aforesaid*, That the tax or toll laid in the first section of this act, and one half the penalties recovered under the same, be, and the same is hereby appropriated exclusively to the performance of the above work, and to the payment of the expences thereof, and for that purpose the same is hereby invested in the said commissioners of navigation and their successors in office, to be by them applied as herein directed, and the said collector of the customs for the said port of Washington, is hereby authorized and required to pay the proceeds thereof to the said commissioners or their order, deducting and retaining for his, the said collector's services and expences in collecting, receiving and paying over the same, three per centum on the amount so paid over by him.

IV. *Be it further enacted by the authority aforesaid*, That the commissioners of navigation aforesaid, shall be entitled to retain out of the monies so invested in them 2 1-2 per centum for their services on the amount by them expended and paid away for the accomplishment of the objects contemplated by this act, and the said commissioners of navigation for the said port are hereby required to cause correct accounts to be kept of their receipts and expenditures under this act and report thereof in writing with the progress made in effecting the objects herein contemplated, to be made annually to the county court of Beaufort aforesaid, and copies of the said report, and accounts to be by them transmitted to the general commissioners of navigation appointed by the state.

Compensation to commissioners.

V. *Be it further enacted by the authority aforesaid*, That as soon as the channel of that part of Tar river aforesaid shall be fully cleared, and the logs, stumps, shoals and other obstructions

1816.

removed therefrom, as far as the same may be practicable in the opinion of the said commissioners of navigation for the said port, they shall give notice thereof to the collector of the customs of the United States at Washington aforesaid, and the tax or toll laid in the first section of this act, shall thence forward cease and determine: *Provided always*, That whenever the said channel or that part of the river or the harbour of Washington shall again become obstructed, it shall be the duty of the said commissioners of navigation for the said port, on being duly informed of the fact, to give three months public notice thereof, at the expiration of which time the said tax or toll shall be received and be collected as before, and be applied to the removal of such obstructions until a sufficient sum shall be obtained to accomplish the same, when it shall again cease and determine on notice thereof being given to the collector of the customs aforesaid, and the said commissioners of navigation of the said port are hereby authorized and empowered to receive the said tax or toll from time to time, and for such periods as they may think necessary, by giving notice of such revival as aforesaid, in order that the said channel may always be kept clear from obstructions.

VI. *Be it enacted by the authority aforesaid*, That this act shall take effect as soon as the consent of the congress of the United States is obtained thereto, and his Excellency the Governor, be, and he is hereby required to take measures to obtain the same.

CHAP. XXXVIII.

An act allowing compensation to the Sheriff of Wake for attending the Supreme Court.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the sheriff of the county of Wake, whose duty it is to attend the sittings of the Supreme Court of this state, be, and he is hereby allowed for each term of the said court which he shall attend the sum of twelve pounds, to be paid by the Treasurer of the state, upon the certificate of the clerk of the said court, that he the said Sheriff had performed that duty.

CHAP. XXXIX.

An act to incorporate a company to build a bridge across the Yadkin River.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That a company composed of subscribers, their successors and assigns, be created and established a corporation and body politic in law and in fact, and shall be continued during the term of ninety-nine years, by the name and style of the "*President Directors and Company of the Yadkin Toll Bridge*," and by that name and style they are fully empowered and made capable to sue and be sued, plead and be impleaded, to answer and be answered, to defend and be defended in any court of record whatever, or before any justice of the peace in this state, and also to make, have and use a common seal, and to ordain and establish, and put in execution, such bye laws, ordinances and regulations as may seem requisite and proper for the government of said corporation, not being contrary to the municipal laws of the land, and generally to do and execute all such acts and things as come within the common implied powers of corporations and bodies politic, so far as the intended object of this institution may require.

II. *Be it further enacted*, That agreeable to the design and end of the corporation hereby so declared, the said corporation is hereby authorised and fully empowered to build a Bridge across the Yadkin River, at the place known and called Merrill and Beard's Ferry in Rowan county, and the right and property of the said Bridge, and the emoluments and profits arising therefrom, shall vest in and belong to the Stockholders or Subscribers composing said corporation, according to their proportionable share, and to their successors, representatives and assigns; and when the bridge shall be completed and fit for common use, the roads leading to said bridge are hereby declared public highways.

III. *And be it further enacted*, That for the purpose of constituting a fund for building said bridge, books shall be opened for receiving subscriptions to the amount of fifty thousand dollars, under the superintendence and direction of five Commissioners, at such place or places as they in their wisdom and discretion may prefer and adopt; and Andrew Caldcleugh, John L. Henderson, Stephen L. Ferrand, John Giles and John Murphey are hereby appointed Commissioners, a majority of whom shall be sufficient to act and perform the duties of their appointment.

IV. *And be it further enacted*, That the sum of each share subscribed shall be one hundred dollars, one fourth of which shall be paid at the time of subscribing, and that the books shall be opened on the first day of February next, and continue open for the space of twenty days, and if within those twenty days more than five hundred shares be subscribed, the Commissioners shall proceed to reduce the number so subscribed by striking off one share from each subscriber, above one share until the number be reduced to five hundred as aforesaid; and should not the full amount be subscribed within those twenty days, that the President and Directors shall have full and ample powers to open books for the residue of the stock from time to time, as they may deem proper; and the said Commissioners shall at the expiration of the time of receiving subscriptions for the stock aforesaid, give twenty days previous notice, posted up at the Court-House in the town of Salisbury, of the time and place of the general meeting of the subscribers, that the said subscribers shall then and there elect five persons as Directors, and one of their body shall be appointed President and another Secretary to conduct and discharge the business of the said corporation, and in the month of April in every year afterwards successively other elections of Directors in like manner shall be had, except as to the notification which shall be made by the Secretary in pursuance of orders from the President.

V. *Be it further enacted*, That the balance for shares unpaid shall be paid by the stockholders at such time and in such manner, and under such regulations and restrictions as the directors may deem fit and expedient. And when the said Bridge shall have been completed, the said corporation shall be and are hereby fully authorised to erect a Toll Gate on some part of the Bridge as to them may seem preferable, and shall be entitled to exact and receive at such Gate, such toll as the County Court of Rowan shall prescribe.

VI. *And be it further enacted*, That the said corporation shall keep the said Bridge in good and sufficient repair, under the penalty prescribed by law in the cases of Roads and Bridges. 1816.

VII. *And be it further enacted*, That the President and Directors have full authority to appoint all such officers not named and specified in this act as may be requisite in the opinion of said corporation.

VIII. *And be it further enacted*, That the following articles, regulations and provisions shall be received as standing rules for the government of said corporation. First—Each stockholder at every election shall have one vote for every two shares by him held more than one share, up to twenty shares; and one vote for every five shares exceeding twenty. *Provided always*, that no person shall be eligible to the office of Director unless he be a stockholder, nor shall any person vote as a stockholder for directors, unless such person shall have acquired his share or shares at least sixty days previous to the election.

Second. The President and Directors shall have full power to call a general meeting of the stockholders, when to them it may appear expedient to promote the good of the institution.—Third. No general bye-laws, ordinances or regulations for the government of said corporation, shall be passed or established but by a general meeting of the stockholders. Fourth. The President and Directors shall upon joint application of ten stockholders, call a general meeting, *provided*, their aggregate shares amount to thirty.—Fifth. At a general meeting of the stockholders in case of election of Directors, two thirds of the stockholders or such a number of the stockholders as taken together, shall hold two thirds of the shares of the whole capital, shall constitute a quorum, but for all other purposes a majority of the Stockholders or so many as hold a majority of the whole number of shares shall be a sufficient number to proceed to business.

IX. *And be it further enacted*, That the Bridge aforesaid shall be completed within the term of five years from and after the first day of February next, and on failure thereof, this charter is hereby dissolved.

X. *And be it further enacted*, That the toll exacted at the aforesaid Bridge for the passage of persons crossing the same, shall not exceed the amount of toll allowed by the County Courts to the owners of Ferries contiguous thereto.

XI. *And be it further enacted*, That the rates of toll established by order of the Court of Pleas and Quarter Sessions aforesaid, for the passage of persons, waggons, carriages, horses, et cetera, shall not exceed the rates of toll allowed the owners of Ferries.

XII. *And be it further enacted*, That nothing in this act contained, shall authorise or empower the company hereby created, either before or after the building of the said Bridge, to keep or maintain by themselves or their agents under any pretence whatever, any Ferry for the transportation of persons, carriages, horses, cattle, merchandise, produce or any other thing either at the place where such Bridge is to be erected or at any other place on the said river: and if the said company shall at any time hereafter, keep or maintain any such Ferry contrary to the true intent and meaning of this act, the said company shall forfeit and pay the sum of fifty pounds for each week such Ferry shall so be kept and maintained, to be sued for and recovered in the name and to the sole use of Alexander Long, his heirs, executors, administrators or assigns, and if the said Long shall not bring suit within three months after being duly notified thereof, then and in that case any other person may sue for and recover said penalty.

Read three times and Ratified in General Assembly, }
the 28th day of December, A. D. 1816. }
A true Copy, WM. HILL, Secretary.

JOHN BRANCH, S. S.
JA. IREDELL, S. H. C.

An act to incorporate the North River and Adams Creek Canal Company.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Elijah Pigott, Jechonias Pigott and Henry M. Cooke of the county of Carteret, James McKinley, John S. Nelson, John S. Smith and Marcus C. Stephens of the county of Craven, be, and they are hereby appointed commissioners to receive subscriptions for stock in the "North river and Adams Creek Canal Company," and for that purpose they, or a majority of them shall open books in the towns of Newbern or Beaufort, on or before the first day of February next, and shall keep the same open sixty days unless the whole number of shares be sooner subscribed, and that all such subscriptions shall be made in person or by attorney duly authorized, that the stock of said company shall consist of one hundred shares, of one hundred dollars each, that each subscriber shall pay down at the time of subscribing twenty-five dollars for each and every share so subscribed, and shall enter into a written obligation to pay the further sum of seventy-five dollars on each and every share by such person subscribed, at such times and in such proportion as the president and directors of said company shall prescribe, that as soon as three fourths of the whole number of shares shall have been subscribed, the said commissioners or a majority of them, shall have a meeting of the subscribers, at such time and place as they shall by advertisement in some newspaper at least one month previous thereto direct and appoint; and unless three fourths of the shares shall be subscribed for on or before the first day of January, one thousand eight hundred and eighteen, all sums of money paid in virtue of this act, shall be repaid to the subscribers or their representatives, and all securities for the payment of the same returned.

II. Be it further enacted, That whenever three fourths of the stock shall be subscribed, as aforesaid, and a meeting shall be had as herein before prescribed, that thenceforth the subscribers of the shares aforesaid, their heirs, executors, administrators and assigns, shall be, and the same are hereby corporated into a company, to be called "the North River and Adams Creek Canal Company," and may sue and be sued as such, and by that name shall have perpetual succession, and such of the said subscribers as shall be present at the said meeting or a majority of them are hereby empowered and required to elect a president and four directors for the purpose of managing all the said company's business for such time as the said subscribers or a majority of them shall think fit; and in counting the votes of all the general meetings of the said company, every member shall be allowed one vote for every share, as far as five, and one vote for every three shares above five, and any proprietor by writing, executed before a subscribing witness, and proved or acknowledged before a justice of the peace, may depute another member to act as a proxy for him or her at any general meeting or meetings, and the acts of such proxy shall be as effectual to all intents and purposes as the acts of his or her principal.

III. Be it further enacted, That the said president and directors so elected or a majority of them, or their successors assembled, shall have power and authority to agree with any person or persons in behalf of said company, to cut the said canal and to erect such locks, remove such obstructions, perform such works as they shall judge necessary for convenient navigation, from the waters of Neuse river to those of North river, and also to make along said canal and creeks any turnpike or rail road, or other convenience or device for the easy transportation of passengers and commodities, from time to time, and upon such terms and in such manner as they shall think fit, and out of the monies arising from the subscriptions aforesaid, to pay for the same, and to repair and keep in order said canal, locks and other works necessary thereto, and to defray all incidental charges: and also, to appoint a treasurer, clerk, and such other officers, toll-gatherers, managers and servants as they shall judge requisite, which officers shall give bond with security as approved by the said president and directors for the faithful discharge of their respective duties, and to agree for and settle their respective wages, or allowances, and settle, pass and sign their accounts, and also, to make and establish rules of proceedings and transact all other business and concerns of the said company in and during the intervals between the general meetings of the same; and they shall be allowed a satisfaction for their trouble therein, such sum of money as shall by a general meeting of the subscribers be determined.

IV. Be it further enacted, That the said president and directors or a majority of them shall have power from time to time to draw upon the treasurer for such monies as the purposes of the company may require, do demand and receive of the several proprietors the sums of money ordered to be paid on their respective shares for the purposes of said company; such sums to be placed in the hands of the treasurer, subject to the order of said president and directors as aforesaid, and in case any of the said proprietors shall refuse or neglect to pay such sums or any of them within one month after the same is so ordered and public notice thereof given, the said president and directors or a majority of them shall have power to sell at public sale, giving thirty days notice of the day of such sale in some newspaper in this state, the share or shares of such subscriber or subscribers, on which such sum shall remain unpaid, and after retaining the sum so due out of the money produced by such sale, they shall refund and pay the overplus, if any, to the former owners, and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid, with the incidental charges, the said president and directors may sue for and recover the balance remaining due for the use of the company: the said president and directors may fill all vacancies in their body by temporary appointments, to expire at the next general meeting of the subscribers.

V. Be it further enacted, That every president and director before he acts as such, shall take an oath or affirmation for the due execution of the duties of his office; and that the presence of proprietors having seventy shares at least shall be necessary to constitute a general meeting, and that a general meeting shall be had on the Tuesday after the first Monday in every year at such convenient place as shall from time to time be appointed by the said general meeting, but if a sufficient number shall not attend on that day, the proprietors who do attend may adjourn such meeting from day to day until a general meeting of the proprietors shall be had, which may be continued from day to day, until the business of the company is finished, to which meeting the president and directors shall make report and render distinct and just accounts of all the proceedings, and on finding them fairly and justly stated, the proprietors then present or a majority of them shall give a certificate thereof, a duplicate of which shall be entered on the said company's books, and at each yearly meeting after leaving in the hands of the treasurer such sum as the proprietors or a majority of them shall judge necessary for repairs and contingent charges, an equal dividend of all the nett profits arising from the tolls hereby granted, shall be ordered and made to the proprietors of the said company, in proportion to their several shares; and on any emergency in the intervals between the said general meetings; the president or a majority of the directors may appoint a general meeting of the proprietors of the company, giving at least one months notice in one or more of the public papers,

which meeting may be adjourned and continued as aforesaid: *Provided*, There shall be no application of the profits arising from tolls to the expenditures of the company, and no dividend thereof until the canal be completed in the manner hereafter to be set forth.

VI. *Be it further enacted*, That for and in consideration of the expences the said proprietors shall be at, the aforesaid canal, locks, the lands thereof condemned, rail ways, turnpikes and every other work and thing thereunto appertaining, shall be, and the same are hereby vested in the said company for the term of ninety-nine years, and the same shall be exempt from the payment of any tax, imposition or assessment whatever; and it shall be lawful for the said president and directors at all times hereafter to demand and receive at some convenient place for all commodities and persons, boats and vehicles transported or carried through said canal, or on said railway, or turnpike, such tolls or rates as shall be assessed and directed by the proprietors at their annual meeting: *Provided*, That the said rates or tolls shall be made public, and a copy thereof put up at each end of the said canal, and shall not exceed fifteen per centum per annum, in the sum laid out in the improvement of the said navigation over and above the annual charges and expences of the said company, and in case of refusal to pay the tolls or rates at the time of passing the place aforesaid, and previously to passing the same, the collector of the said tolls may lawfully refuse passage to whomsoever refuse payment.

VII. *And be it further enacted*, That the said canals and works to be erected thereon by virtue of this act, railway, turnpike when completed shall forever hereafter be esteemed and taken as public highways, free for the transportation of all goods, wares, commodities or produce whatever, and for travelling, on the payment of the tolls or rates assessed as aforesaid.

VIII. *And be it further enacted*, That the president and directors of the company hereby created, or a majority of them shall have power to purchase any lands which they may judge useful for the purposes of their incorporation, and should the canal, railway or turnpike pass through lands which cannot be purchased at as moderate a price as the president and directors may think reasonable, or the owner thereof be a Feme Covert, infant, *non compos*, or out of the state, then and in that case, on application to any two justices of the peace of the county in which the lands shall be, the said Justices shall issue a warrant under their hands to the sheriff of their county, to summon a jury of eighteen good and lawful men of his county, not related to the president or any one of the directors or to the owner of such lands, nor at all interested in the company or said lands, to meet on the premises on a day to be expressed in the warrant to value the same: and the said sheriff on the day so appointed, in the warrant shall cause at least twelve of the said jurors summoned as aforesaid, and being on the premises, to take an oath which oath the said sheriff is empowered to administer; that they will truly value the lands so delivered, to be purchased as well as all incidental injury or damage which may result to the proprietor of the same, from the sale thereof, and the inquisition of said jury with a plot of the land set off, and allotted by boundaries to the said president and directors, shall be signed and sealed by the said sheriff and jurors and returned by the sheriff to the county court of Pleas and Quarter Sessions of his county, to be recorded by the clerk of said court, which inquisition so taken and recorded shall vest in the said president and directors an estate in which said land for use of the company, during the term aforesaid, to them and their successors, upon the payments of the sum assessed by the jury, as the value of the same to the proprietor in case he or she be absent or unknown, by paying the same into the office of the clerk of said court for said proprietor: *Provided*, That no piece or parcel of land shall be purchased as aforesaid, of greater breadth than three hundred feet, and provided notice in writing be given the owner, if known, of the day of such intended valuation at least ten days previously thereunto.

IX. *And be it further enacted*, That it shall and may be lawful for every proprietor to transfer his or her share or shares by deed executed before two witnesses and registered after proof of the execution in the company's books, and not otherwise except by devise, which devise shall also be exhibited to the president and directors and registered before the devise shall be entitled to draw any part of the profits from the said lots: *Provided*, That no transfer shall be made except for one or more whole share or shares and not for part of such shares; and that no share or shares shall be at any time sold, conveyed, transferred or held in trust for the use and benefit or in the name of another, whereby the said president and directors or proprietors, members of the said company or any of them, shall or may be challenged or made to answer any such trust, but that every such person appearing as aforesaid to be a proprietor, shall as to the others of the said company be to every intent taken absolutely as such, but between the trustee and the person for whose benefit such trust shall be created, the common remedy may be pursued.

X. *And be it further enacted*, That if the said capital shall be insufficient it shall and may be lawful for the said company from time to time to increase their capital by the addition of so many whole shares as may be deemed necessary by the proprietors members of the said company, or a majority of them, who shall be present at any general meeting, and on such terms as they think fit.

XI. *Be it further enacted*, That the president and directors of the said company before applications of the profits of the canal hereby contemplated to the expenditures of the said company, or making any dividend of said profits, shall from the sums subscribed, cause to be cut and opened from the head of North-river to the head of Adams creek, a canal of the dimensions and descriptions following, viz. the said canal shall contain from one end thereof to the other a depth of water not less than four feet at ordinary tides, free of stumps or other obstructions, it shall be at least fourteen feet wide at bottom, and increase at least one foot in width for every foot of perpendicular rise from bottom to top, the earth dug from the canal shall be removed at least twelve feet from the edges thereof, the canal shall have four lie-by bays which shall be as deep as the canal, sixty feet long at bottom, and twelve feet in width, exclusive of the width of the canal and increasing in length and width in the same proportion to their perpendicular rise, with the width of the canal, and these bays at convenient distances from the ends of the canal and from each other; the channels of the said creek and river shall be cleared from the mouths to the heads thereof respectively, so as to contain throughout the same depth of water required in the canal, free from any obstructions and of equal width; and all inconvenient crooks in said creek and river shall be straightened. a small ditch shall be cut from end to end of the canal and kept open outside of the banks, adequate to receive the water flowing thereunto from the adjoining country and to convey the same into the creeks without injury to the canal, there shall be substantial gates or locks at each end of the canal competent to prevent the too rapid flow of the waters through it, and convenient and sufficient bridges erected over said canal as by this act is required.

XII. *Be it further enacted*, That if at any time hereafter the said president and directors or company shall issue any note, bill of exchange, check or due bill, not expressly authorized by this act, then the same and every part thereof shall become void.

An act concerning the Dismal Swamp Canal Company.

WHEREAS it is represented to this General Assembly, that the Dismal Swamp Canal Company have not been able, from the intervention of the late war, and other causes to complete that work within the time limited by law, and it being also represented that an enlargement of the scale of that work, to perhaps double its present size, and assigning to it a correspondent increase of capital to perform it, would in an eminent degree add to its national usefulness, both in time of peace and war.

I. *BE it enacted by the General Assembly of the State of North-Carolina*, That the further time of seven years (to be computed from the first of January, eighteen hundred and sixteen,) be allowed the Dismal Swamp Canal Company, to enlarge and complete their canal in manner hereinafter prescribed.

II. *And be it further enacted*, That the present stockholders of the said company be required to advance twenty thousand dollars on their present capital stock, being an additional twenty per cent. upon his, her or their respective shares in the stock of the said company, payable in such instalments as the president and directors of the said company, for the time being, shall find it necessary to require, and if any of the said proprietors shall refuse or neglect to pay their respective proportions of such requisitions, the said president and directors or a majority of them, shall and may sell at auction and convey to the purchaser the share or shares of such proprietor so refusing or neglecting payment, (giving at least one months notice of such intended sale in the Norfolk newspapers) and after retaining the sum due, and the charges of said sale, out of the money produced thereby, they shall refund the overplus, if any, to the former owner: *Provided however*, That nothing herein contained shall be construed to authorize the said president and directors to sell the share or shares of any person, who at the time shall be under age, *non compos*, or not residing within this state, nevertheless it shall be lawful for said president and directors to withhold the payment of all dividends of such persons thereafter accruing, and from time to time to apply the same to the payment of the unsatisfied requisitions until they shall be fully paid with interest.

III. *Be it enacted*, That the said canal when completed shall throughout (except at the locks) be not less in width than forty feet on the surface thereof, and of sufficient depth for vessels drawing five feet water, to navigate it at all seasons; and that whenever the present locks which are constructed of wood shall have become so decayed as to make new ones necessary, such new ones at the out falls at least shall be constructed of solid and substantial Mason work.

IV. *And be it further enacted*, That if the increase of capital and other aid, by this act already granted be not deemed sufficient to accomplish this great public work on the scale contemplated, it shall and may be lawful for the said company, still farther to increase the capital thereof by the subscription of new stock.

And the president and directors of the said company for the time being, are hereby authorized and required whenever they shall find the same necessary, to open the books for the subscription of any sum not exceeding sixty thousand dollars of additional capital stock, to be divided into shares not less than one hundred and twenty-five dollars each, in the subscribing to which additional shares the stockholders of the company for the time being are hereby declared to have a preference for the first thirty days after the books are opened, but no longer; and all proprietors of such additional sums shall and are hereby declared to be from thence forward incorporated into the said company: *Provided* That the stockholders of the additional shares hereby authorized to be subscribed for, shall not be entitled to any dividends thereupon until six months after they shall have paid up the whole amount of their subscriptions, and that the dividends on a share of the new stock shall be in the same proportion to the dividends on a share of the old stock, as the new share bears to the old share: *Provided also*, That in estimating the number of votes to be given on the new stock, each sum of such new stock equal in amount to a share of the old stock, and not less, shall be counted as one share.

V. *Be it further enacted*, That if the stockholders at their next meeting shall prefer to increase the stock of the company in lieu of advancing twenty per cent. on their present shares, they shall be, and are hereby permitted to do so.

CHAP. XLII.

An act to facilitate the navigation of Lumber River from the mouth of the Great Swamp to the South Carolina line.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Job Goodman and William Ashley of the county of Robeson, and Alexander McRae and Moore Lennen of the county of Columbus, be, and they are hereby appointed commissioners, to be styled the Lumber River Commissioners, and they or a majority of them are hereby empowered and required to perform the duties herein mentioned, they shall within five months after the passing of this act be required to divide said river between the mouth of the Great Swamp and the South Carolina line, into such an equal number of equal parts as they may think proper, designating the extremes of each part by known and permanent limits or marks, report of which shall be returned to the county courts respectively of Robeson and Columbus next after their said meetings, which report shall be entered by the clerks aforesaid respectively on their minutes; and it shall be the duty of the commissioners aforesaid in their report to designate in clear and explicit language, what equal part or parts of said river shall be improved and kept in repair by the county of Robeson, and likewise what part or parts of the river aforesaid, shall be improved and kept in repair by the county of Columbus, always mindful to allot to each county an equal number of divisions, and each of the counties is hereby required to keep in repair the part or parts assigned to it.

II. *And be it further enacted*, That when the commissioners shall have reported as aforesaid, the county courts aforesaid upon the recommendation of the commissioners appoint a suitable number of Overseers to superintend the navigation of such equal part or parts as shall by the report made as above directed be assigned to each county, to be improved and kept in repair, and the Overseer or Overseers so appointed shall be subject to the same laws now in force respecting inland rivers and creeks.

III. *And be it further enacted*, That the county courts of the counties aforesaid, shall by their orders put under the controul and direction of the Overseers such number of hands as the commissioners may recommend, not exceeding twelve in each county, to be taken from the Captains districts, adjoining the part of the river to be improved as aforesaid, and not more than six hands from each district, which hands shall be subject to the same laws now in force respecting working hands on inland rivers and creeks, and the Overseers appointed as aforesaid shall with the hands assigned them in the most expeditious manner proceed to remove every obstacle whatever that may obstruct the navigation of said river.

*This word is Considered in the original.

IV. *And be it further enacted*, That in case of the death, removal or resignation of any of the commissioners, the vacancy shall be filled by the court of the county in which the vacancy may happen, the person so appointed being first recommended by the acting commissioners, who shall recommend in such manner that there shall always be two commissioners and no more in each county. A resignation of any one of the commissioners shall be entered in the clerk's docket in the county in which the commissioner resides, any law, usage or custom to the contrary notwithstanding.

CHAP. XLIII.

An act for the government of Elizabeth City and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the boundaries of Elizabeth City shall be extended in direct lines from each end towards the south to the line of lands the property of Thomas Norris, and that from and after the first day of March next, the government of Elizabeth City shall be vested in three commissioners who shall be appointed by the justices of the court of Pleas and Quarter Sessions for the county of Pasquotank, when in session on the first court held after the first day of January in each and every year, which said appointment shall be good till the said first court after the first day of January in each and every year thereafter, and no person shall be eligible as a commissioner unless he shall be seized or possessed of real property in said town to the value of eight hundred dollars, nor unless he resides in the said town at the time of his appointment, nor longer than he does reside within the same, and in case any person appointed a commissioner as aforesaid or as hereinafter provided, shall refuse to qualify as hereinafter directed, or remove, or become incapable of discharging his duty by inability, the remaining commissioners or commissioner if but one remaining, shall have full power and authority to appoint a commissioner or commissioners who shall be eligible under this act, and shall have full power and authority after qualification, to execute or assist in executing all the laws, regulations and restrictions made by the commissioners appointed by the court as aforesaid, but in no case shall a commissioner or commissioners appointed by a commissioner or commissioners as aforesaid, have any power or authority to make a law, but to execute laws already made only, and no person appointed by virtue of this act shall take upon himself the power and authority of a commissioner, before he has taken the following oath in the court appointing him, or before some acting justice of the peace, of Pasquotank county, to wit: I A. B. do solemnly and sincerely swear (or affirm as the case may be) that I will well and truly execute the office of a commissioner of Elizabeth City, to the best of my knowledge and ability, so help me God; nor shall any commissioner appointed by a commissioner or commissioners have any power or authority after the meeting of the county court succeeding his appointment, but the said court shall during said term appoint a commissioner or commissioners eligible under this act, who shall have the full power and authority of commissioners till the first court after the first day of January next thereafter.

II. *Be it enacted by the authority aforesaid*, That three commissioners appointed by said court and qualified as aforesaid, and their successors in office, are hereby incorporated into a body corporate, by the name and style of the commissioners of Elizabeth City, and by that name and style shall have succession by their appointment and qualification as aforesaid, and a common seal, shall sue and be sued, plead and be impleaded, and shall have full power and authority from time to time and at all times hereafter to make and prescribe all such rules, regulations, restrictions, provisions and limitations as shall to them seem necessary for the good government of the town, not inconsistent with the laws of the state, and shall have full power and authority to lay off, amend and repair the streets, erect public pumps and wells, erect a public market, and appoint a clerk thereof, and prescribe his duties, to appoint a harbor master for Elizabeth City, and regulate his duties; to appoint a town Constable, town Watches and Patrols, and to make rules to regulate them and grant them a reward for their services; and the said commissioners shall have full power and authority to enforce a compliance with, and an observance of all such rules, regulations, restrictions, provisions and limitations as they are authorized by this act to pass or make: *Provided nevertheless*, That the punishment of no free man violating the same shall exceed a fine of ten dollars and imprisonment in the common jail of Pasquotank county till such fine and jail fees are paid, nor the punishment of any slave exceed twenty-five lashes on his or her bare back; and whereas some merchants and others in the town of Elizabeth City are in the habit of trading with slaves without a permit in writing from their respective owners or managers on the Sabbath and other days, whereby many felonies are encouraged and frauds practised on the good citizens of the town as well as the country, and an evil example set to all; for remedy whereof: *It is hereby enacted*, That the commissioners of Elizabeth City to be appointed in court by virtue of this act, shall have power and authority at any time after this act is in force to make necessary rules for the better observance of the Sabbath day, and enforce the same by a fine not exceeding five dollars, and imprisonment till paid with the jail fees, and to make effectual rules to prevent merchants and others from trading with negro slaves without a permit in writing from the master, mistress or managers of said slaves, and to enforce the same by a fine not exceeding ten dollars for every offence, and imprisonment till the same be paid, together with the jailer's fees, and all fines and forfeitures incurred by virtue of this act, shall be, and inure to the benefit of Elizabeth City to lessen the taxes thereof, and shall be recovered before any justice of the peace for Pasquotank county, in the name of the commissioners of Elizabeth City, subject however to an appeal as in other cases.

III. *Be it enacted*, That it shall be the duty of the commissioners or either of them appointed by virtue of this act, at all times to superintend the good police of the town, and to maintain and support the good order of the inhabitants thereof and others within its bounds, and to suppress and punish all riots, disorders and unlawful assemblies, and for the better executing the purposes mentioned in this section of the act, the commissioners are hereby invested with all the powers and authorities of a justice of the peace in said town, and the town Constable shall execute all process issued by the said commissioners or either of them in Pasquotank county, and shall have power and authority to call the *posse comitatus* to his aid for that purpose should the same be necessary.

IV. *Be it enacted*, That the commissioners appointed in court under this act shall have full power and authority to lay a tax on said town not exceeding two dollars on every taxable poll, and fifty cents on every hundred dollars value of real estate, at any time or times they may think proper for the benefit of said town, but shall in no one year exceed the sum of two dollars per poll, and fifty cents for each hundred dollars value of real estate.

V. *Be it enacted*, That the town Constable appointed by virtue of this act shall give bond and security for the faithful performance of his office in the sum of five hundred dollars payable to the commissioners and

1816 their successors in office, and shall take the following oath: I (A. B.) do solemnly and sincerely swear that I will well and truly execute the office of Constable, for the town of Elizabeth City, to the best of my knowledge and ability, so help my God: and it shall be the duty of the town constable to execute all process to him directed by the commissioners or either of them, and all process in the name of the commissioners of Elizabeth City, to collect the town tax, and the fines, forfeitures and penalties incurred by virtue of this act or any authority granted under it, in the same manner that taxes, fines, forfeitures and penalties are collected by the sheriff of Pasquotank county, and shall be entitled to the same fees of constables or sheriffs for like services, and to account for the same: and should the town constable fail to account for said collections, judgment may be obtained against him and his securities, and executions issued in the name of the commissioners of Elizabeth City, in the same manner that sheriffs may be proceeded against by the county trustee or otherwise at the discretion of the commissioners.

VI. *Be it enacted*, That the commissioners appointed by virtue of this act shall at any time have full power and authority to appoint a health officer for Elizabeth City, and to prevent any person from being brought into Elizabeth City by land or water, who has or is supposed to have any contagious or infectious disease, and may compel vessels coming into the port of Elizabeth City to ride quarantine in some proper place to be laid off for that purpose.

VII. *Be it enacted*, That the commissioners shall meet at least once in three months, and as much oftener as they may deem necessary, and it shall be the duty of any one or more of them to call a meeting by summons in writing when he or they may think it expedient so to do, and the said summons shall be obeyed by the other commissioner or commissioners under the penalty of twenty-five dollars for each default, to be recovered before any justice of the peace of Pasquotank county, for the benefit of the town, in the name of the commissioner or commissioners making the summons, unless it shall appear on the trial that the said commissioner had a good and reasonable excuse for said default.

VIII. *Be it enacted*, That any person hereafter appointed a commissioner by virtue of this act refusing to qualify if he be eligible, shall forfeit and pay twenty dollars for each refusal: *Provided nevertheless*, That no person shall be thus liable but once in each year, nor that is over the age of fifty years.

IX. *Be it enacted*, That the surveyor of Pasquotank county shall make or furnish a complete survey of said town and make three plots thereof, one of which shall be filed with the records of the clerk of Pasquotank Court of Quarter Sessions, another with the records of the clerk of the Superior Court of Law for Pasquotank county, and the third with the records of said town, and said plots or either of them shall be given in evidence in any disputes that may at any time hereafter arise relative to any lots, or the boundaries thereof.

X. *Be it enacted*, That all acts and clauses of acts coming within the meaning and purview of this act are hereby repealed and made void: *Provided nevertheless*, That the laws now regulating the government of Elizabeth City are not repealed till the first day of March next: and whereas also there is an act now in force making it penal to trade with slaves without a permit, it is the intent and meaning of this act not to repeal said act nor any clause thereof.

CHAP. XLIV.

An act respecting the Academy and town of Smithville in Brunswick county.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Hall, Sen. William Hall, Jun. Jonathan Rothwell, John Neale, Henry H. Neale, William Bryan, Sen. Joseph Watters, Henry Young, Roberts Gibbs, John Waddell, Hugh Waddell, Alfred Moore, Joseph Eagles, Richard Green, James Smith, Robert Howe, Peter Gause, John C. Baker, George C. Clitherall, Robert Potter, Samuel Potter, John Browne, Jun. Joseph Burch, Samuel Russell, John Gibbs, William Hawkins, Samuel Hankins, William Gause, Samuel Frink, William Simons, Joseph Russ, Thomas Russ, Benjamin R. Locke, William Wingate, John Moore, Marsden Campbell and William J. Grissett of Brunswick County—James McKay, William Cowan and Alexander C. Miller of Bladen county—Thomas Frink, James B. White and Isaac Powell of Columbus county—Hanson Kelly, James W. Walker, Jesse Wingate, Richard Nixon, George Cameron, Edward B. Dudley and Richard Parish of New-Hanover county—Christopher Dudley, Sen. Edward Ward and E. Ward of Onslow county—Daniel Glisson, Andrew McIntire and Daniel L. Kewan of Duplin county, be, and they are hereby appointed trustees of said Academy, in addition to those who form the present board, with the same privileges, powers and authorities of the senior members, that whenever any vacancies shall happen in their board, the trustees shall and may use their discretion either in filling up the same, or in permitting their number to diminish by such vacancies, and they may make such rules and regulations to compel the attendance of the trustees of said Academy, as to them may appear expedient or necessary.

II. *And be it further enacted*, That from and after passing this act any number of the trustees not less than seven including the president or a majority of the board, without the president, shall be a quorum and be at all times competent to exercise and discharge all the powers and duties which are or may be vested in or required of the trustees of said Academy: *Provided nevertheless*, That no number less than thirteen with the president of the board, or a majority of the trustees residing in Brunswick and New-Hanover counties, without the president, shall form a board competent to appoint the principal (or principal teacher) of the Academy, or to appropriate any of the funds of the institution.

III. *And be it further enacted*, That there shall be a meeting of the board on Monday the twenty-seventh of January ensuing, of which the president shall give at least three weeks notice by advertisement in one of the newspapers of Wilmington, and at least three public places of Brunswick county, and in like manner when a special meeting is required of the board.

IV. *And be it further enacted*, That all meetings where the president does not attend, the majority shall select a chairman to preside over their proceedings.

V. *And be it further enacted by the authority aforesaid*, That the act entitled "an act to amend an act entitled an act to lay off and establish a town near Fort Johnson on the West side of Cape-Fear river in Brunswick county," be, and the same is hereby repealed and made void.

VI. *And be it further enacted*, That when from neglect or accident the proper time for election of commissioners has passed or may pass, the authority of the commissioners previously elected, and whose two years of service have expired, shall continue till a new election takes place: That the sheriff shall give notice at the Court-House on the second day of the term, and at two other places in Smithville, and by advertisement under the Market House in Wilmington, and three other of the most public in Brunswick county, of which the Brick House shall be one; that an election will take place for commissioners of the

town within fifteen days after the court have appointed inspectors, which it shall be the duty of the sheriff to apply for, and it is hereby declared the duty of the court to perform with or without the application of the sheriff, and the election shall be for commissioners to serve till the second Thursday of July ensuing, when and on every second Thursday of July biennially, a regular election shall take place, and all elections for commissioners when not otherwise directed by the laws respecting Smithville, shall be carried on by the sheriff in the same manner, and under the same rules as for members of assembly in said county, and where he is really sick or has such good cause for non-attendance as shall be allowed by the commissioners of the town, in that case he may appoint in writing a deputy for whose conduct he shall be answerable, and the said sheriff if he neglects his duty so that the election would not have been held at the proper time, if not for the interference and accomplishing it by others, he shall forfeit and pay the sum of fifty pounds for the use of said neglected town, the same to be recovered by an action of debt, in the superior court of the county; and in case of a tie the sheriff or deputy shall have a casting vote in said election of commissioners.

VII. *And be it further enacted*, That all elections for commissioners shall be held in the house erected in Smithville for a Court House, and within the hours heretofore appointed, and that at the end of the commissioner's oath previous to the words so help me God, shall be added after the words to the best of my skill, ability and judgment, the words "according to the laws for regulating the town," without taking which oath they shall not be considered qualified.

VIII. *And be it further enacted*, That all acts and clauses of acts coming within the meaning and purview of this act, or contrary thereto, shall be, and the same are hereby repealed and made void, any law, usage or custom to the contrary notwithstanding, and that this act shall be in force from the ratification thereof.

CHAP. XLV.

An act to establish an Academy at Williamston in the county of Martin.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Samuel Hyman, Edward Yalloy, William Watts, James Benner, Joseph Biggs, Richard Williams, Jeremiah Slade, William Biggs, Sen. Darling Cherry, Henry Slade, Jesse Wheatly and Henry B. Hunter, be, and they and their successors to be elected in manner as hereinafter mentioned, shall forever be a body politic and corporate in deed and in name, by the style of "the Trustees of Williamston Academy," and by the same name they and their successors shall and may have perpetual succession and be able and capable in law to receive, take and enjoy to them and their successors, lands, tenements and hereditaments of any kind, or nature, quality or value in fee; and also estates for lives and for years, and all sums of money, goods, chattels and things whatever of any nature, quality or value, and by the same name they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended in all courts and places in all actions, pleas, plicants and demands, and to grant, bargain, sell or assign any lands, tenements, hereditaments, goods or chattels, and to act and do all things whatever for the use aforesaid, in as full and ample a manner and form as any natural person or body, politic or corporate can or may by law, that they shall and may have a common seal for the business of them and their successors, with liberty to change, alter or make new the same from time to time as they may think proper.

II. *Be it further enacted*, That the said trustees or a majority of them shall have full power and authority to meet at all times they shall think proper, at the town of Williamston, to deliberate, resolve upon and carry into effect the laws and regulations to be by them made for the government of the said Academy, and shall have full power to fill up any vacancies which may happen in the said incorporated body of trustees by the death or refusal to act, resignation or removal out of the state of any of its members; and the persons appointed to fill such vacancies, shall be, and they are hereby declared to have the same power and privileges as the trustees named by this act.

III. *Be it further enacted*, That the trustees or a majority of them, be, and they are hereby authorized and empowered to convene at Williamston, at any time after the passing of this act, and then and there elect and constitute by commission in writing under their hands or the hands of a majority of them, a proper person to preside at said Academy, who shall be a trustee during his continuance in office, and vested with the same powers, privileges and authorities as any trustee named in and by this act, and such president and the trustees or their successors, or any seven of them, at all other times thereafter, when met together in the said town of Williamston, shall have full power and authority to elect and constitute one or more professors or tutors, a secretary, treasurer and steward, and also to make and ordain such laws, rules and regulations not repugnant to or inconsistent with the laws and constitution of this state or the United States, for the well ordering or governing the students, their morals, studies and academical exercises as to them shall seem meet, and to give certificates to such students as shall leave the said Academy, certifying their literary merit and the progress they shall have made in useful knowledge, and in general they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue.

IV. *And be it further enacted*, That the said trustees or a majority of them are hereby authorized and declared to have power to remove or displace the president, professors or tutors, the secretary, treasurer or steward or any of them if they shall find it necessary, and appoint others in their stead, and in case of death, resignation or refusal to act of the president or any of the said professors or tutors, the secretary, treasurer or steward, others shall be elected by such trustees in the room and stead of those dead, resigning or refusing to act.

V. *And be it further enacted*, That every treasurer appointed by the trustees aforesaid, shall previous to the entering upon his office, enter into bond in the sum of four thousand pounds payable to the trustees aforesaid, conditioned for the faithful discharge of his office and the trust reposed in him, and that all monies and chattels belonging to the said corporation which shall be in his hands at the expiration of his office: and every treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever, that may belong or accrue to the said Academy during his office, and at the expiration thereof shall account with the trustees for the same, and on his neglect or refusal to pay and deliver to his successor as aforesaid, the monies and chattels in his hands, the same mode of recovery shall and may be had against him as may be had for the recovery of monies from the sheriff or other persons chargeable with public monies.

VI. *Be it further enacted*, That two acres of land belonging to the town commons of the town of Williamston, be, and the same is hereby vested in the said trustees or their successors, and the said trustees

may fix upon the spot where the said two acres shall be allotted to them and to cause the same to be surveyed and a plot thereof to be returned into the office of the clerk of the county court of said county, and such plot being recorded and registered, the said two acres of land shall thereafter be held by the said trustees and their successors.

VII. *And be it further enacted*, That nothing herein contained shall be construed to make this one of the Academy's mentioned in the constitution of this state.

CHAP. XLV.

An act to incorporate the town of Oxford in the county of Granville.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the government of said town of Oxford, shall be vested in the following persons as commissioners, to wit: William M. Sneed, Nathaniel M. Taylor, William V. Taylor, Thomas Booth, Lesley Gilliam and Thomas B. Littlejohn.

II. *And be it further enacted*, That the said commissioners and their successors in office, appointed agreeable to the directions of this act, shall be, and are hereby incorporated into a body corporate by the name of the commissioners of the town of Oxford, and by such name shall have succession and a common seal, sue and be sued, and by such name shall have power from time to time and at all times hereafter to make such rules, orders, regulations and bye-laws, and ordinances as to them or a majority of them shall seem necessary for the good government of said town; by laying out, amending and repairing the streets, by widening those already laid out, where it does not interfere with improvements, by making walk ways on each side of the streets, to sink pumps or wells, to provide for the strict observation of the Sabbath day, to appoint a town clerk and such other persons as may be necessary for the good management and conducting thereof, by appointing a town constable or constables, town watches, patrols and overseer of streets, and to make such allowance by fee or otherwise for the services of the officers aforesaid, as a majority of the commissioners may think necessary, and to make such rules, bye laws and ordinances as to the said commissioners or a majority of them may appear necessary; and shall also have full power to take cognizance of all breaches of the said rules, bye-laws and ordinances, and enforce fines for said breaches, and the said commissioners before they enter upon the duties of their office shall take and subscribe the following oath, before some justice of the peace: I A. B. do solemnly swear (or affirm as the case may be) that I will faithfully perform the duties of a commissioner of the town of Oxford to the best of my ability and judgment, so help me God: and if at any time hereafter any of the persons appointed commissioners by this act shall refuse to act or qualify, or shall die, or remove themselves away, or should be otherwise incapable of acting, the other remaining commissioners being duly qualified shall fill up such vacancy by electing or appointing some other fit person residing within said town, which commissioners so elected or appointed according to the directions of this act, shall have and possess the same power and be under the like restrictions and penalties with those in whose stead they were appointed.

III. *And be it further enacted*, That it shall be the duty of said commissioners generally in all things to superintend the police of said town of Oxford, and to support the peace and good order of its inhabitants and others who may be there, and to suppress all riotous and disorderly assemblies, especially on the Sabbath day, whether of free persons or of slaves and for the prevention of criminal trespasses, offences or breach of the peace, the said commissioners or a majority of them are hereby vested with adequate power and authority to punish the same by laying fines and enforcing the collection thereof, and all fines incurred and collected shall be appropriated to the benefit of said town.

IV. *And be it further enacted*, That the commissioners as aforesaid shall have full power and authority to lay such tax on the inhabitants of said town, and their estates within the same, as a majority of said commissioners may deem necessary, not exceeding fifty cents on each and every poll, and fifty cents on every hundred dollars worth of town property, for the payment of a town watch or patrol, or for such other purposes as the said commissioners may deem necessary for the benefit and better regulation of said town.

V. *And be it further enacted*, That the town constable or constables annually appointed by said commissioners shall give bond and security to said commissioners for the faithful performance and duties of his office, and take and subscribe the following oath: I A. B. do solemnly swear or affirm that I will faithfully perform the office of constable for the town of Oxford, to the best of my ability and judgment, that I will endeavour to suppress all riotous and disorderly assemblies, that I will execute if in my power, all precepts to me directed by the town commissioners, so help me God: it shall be the duty of the constable aforesaid to execute all precepts to him directed by the commissioners of said town, and make due return thereof, to collect the town tax or other dues by distress of goods or otherwise, in the same manner as the county tax is collected and accounted for by the sheriff, and in case of default thereof the town clerk shall and may proceed against the town constable before the board of commissioners, as the county trustee is authorized to do against sheriffs, and the said constable shall be entitled to the same fees as other constables appointed by court.

VI. *And be it further enacted*, That the said commissioners shall fix their stated meetings which shall be at least once in three months, and if any commissioner on due notice, shall fail or neglect to attend, unless prevented by sickness or some other good cause satisfactory to the board, he shall forfeit and pay the sum of forty shillings to be recovered before any justice of the peace for the use of said town, by any person suing for the same.

VII. *And be it further enacted*, That the said commissioners, shall when duly qualified, appoint one of their body to act as chairman, who shall have power at any time during the recess of their stated meetings to call a meeting of the board of commissioners who shall be liable to the same penalties for neglecting to attend a call meeting as they are for neglecting to attend a regular meeting.

VIII. *And be it further enacted*, That at any meeting of said commissioners that a majority of the members named in this act shall be competent to carry the same into effect as if the whole number were present.

IX. *And be it further enacted*, That the jurisdiction of said commissioners shall extend one half mile from the court-house in any direction, any law to the contrary notwithstanding.

CHAP. XLVI.

An act authorizing the laying off more lots in the town of Lincolnton, and for other purposes.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That Joseph Dickson formerly of the county of Lincoln, in this state, and now of

the county of Rutherford, in the state of Tennessee, or such person as he shall by writing under seal ap-¹⁸¹⁶ point for that purpose, together with Robert Burton, Robert Williamson, Jacob Ramsour, Michael Reinhart, and Daniel Hoke, be, and they are hereby authorized to lay off such other lots on the tract of land granted by the state to the said Joseph Dickson as trustee for the county of Lincoln, and on which the town of Lincolnton is laid off, as they may think for the benefit and advantage of the public with all necessary streets adjoining the lots already laid off, and they or a majority of them shall make out a fair plot and certificate of the lots which shall be so laid off and return the same under their hands and seals to the next court of pleas and quarter sessions to be held for Lincoln county, next after the lots and streets shall be laid off as aforesaid, which plot and certificate shall be recorded by the clerk of the said court at full length on the minutes of said court, and the lots so laid off shall be sold by the said Joseph Dickson or his agent appointed as aforesaid, together with the said Robert Burton, Robert Williamson, Jacob Ramsour, Michael Reinhart and Daniel Hoke, or a majority of them at public auction: and the said Joseph Dickson or his agent appointed as aforesaid shall execute deeds to the purchasers of the said lots, and the monies arising from the sale of the said lots shall be applied to the purchase of a fire engine for the use of the said town, and to the building of a market house, and the lots when so laid off and sold as aforesaid; shall be incorporated with and be considered part of the said town of Lincolnton.

II. *Be it further enacted*, That if the said Joseph Dickson shall refuse to act or appoint an agent for the purposes aforesaid, on or before the first day of May next, the said Robert Burton, Robert Williamson, Jacob Ramsour, Michael Reinhart and Daniel Hoke shall have full power and authority to do and execute all things directed to be done by the preceding section, and they shall execute deeds to the purchasers of lots hereby directed to be sold; and shall have power out of the monies arising from the sale of the said lots to defray all expences of laying them off, and of recording the plot and certificate thereof, and all other expences incurred in carrying this act into effect.

III. *Be it further enacted*, That a portion of the tract of land aforesaid not exceeding four acres, and including a good spring shall be laid off for the use of the Academy in said town, and a portion not exceeding one acre shall be laid off for the erection of a church.

And whereas from the want of a knowledge of the true limits of the lots already laid off in the town of Lincolnton aforesaid, the proprietors of lots have in erecting houses encroached upon the street, and thereby much inconvenience to the said proprietors is apprehended: and whereas it is suggested to this General Assembly that this inconvenience may be prevented without prejudice to the town aforesaid, by assigning to the said lots and to the streets of the said town new limits. *Be it further enacted* That five commissioners shall be appointed by the proprietors of lots in the town of Lincolnton, on or before the first day of April next, and the said commissioners or a majority of them shall have full power and authority to assign to the streets in the town of Lincolnton new limits, and where necessary to assign new limits to the lots now laid off in the said town, and that a plot of such assignment shall be made out under the hands and seals of the said commissioners or a majority of them and shall be registered and shall be binding and conclusive to all intents and purposes, and in making such assignment the said commissioners shall have power to do equal justice to the proprietors of the lots to be effected thereby.

CHAP. XLVII.

An act to alter the time of holding the several elections in the county of Surry.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the several elections established and appointed to be held in the county of Surry, on the second Friday in August, in each and every year, for the purpose of electing members to the General Assembly and representatives to Congress, be hereafter held on the second Thursday in August annually, at the same places for the same purposes, and under the same rules, regulations and restrictions as the elections heretofore have been held in the said county of Surry, and the polls of the several separate elections established in the said county of Surry, shall be compared at the court-house in Rockford by the returning officers appointed for holding the same on the day following said elections in like manner as has heretofore been done in such cases.

II. *And be it further enacted*, That all acts which come within the meaning and purview of this act, be, and the same is hereby repealed and made void.

CHAP. XLVIII.

An act to confirm and make valid the registration of certain Deeds, Powers of Attorney and other instruments of writing in the county of Buncombe.

WHEREAS certain deeds, powers of attorney and other instruments of writing requiring registration, and registered in the register's office for the county of Buncombe, by Malcom Henry, during the years one thousand eight hundred and nine, one thousand eight hundred and ten, one thousand eight hundred and eleven, one thousand eight hundred and twelve, one thousand eight hundred and thirteen, one thousand eight hundred and fourteen and one thousand eight hundred and fifteen, and doubts have been entertained, whether in consequence of some informality in the appointment of the said Malcom Henry, register of the said county, the said registration of the said deeds, powers of attorney and other instruments of writing be valid.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the registration of the said deeds, powers of attorney and other instruments of writing, requiring registration made by the said Malcom Henry, on the books of the register's office for the county of Buncombe during the years aforesaid, be, and the same is hereby declared to be good and valid to every intent and purpose whatsoever, and full faith and credit shall be given to the same in all courts of record in this state.

CHAP. XLIX.

An act to regulate the allowances to witnesses attending the courts of pleas and quarter sessions in the county of Duplin.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future each person attending as a witness in any suit depending in the court of pleas and quarter sessions for the county of Duplin, shall and is hereby authorized to charge for each days attendance therein, the sum of five shillings and the further sum of five shillings for every thirty miles he or she shall or may travel to and from the same, agreeable to the provisions of the laws now in force.

CHAP. L.

An act to establish a separate election in the county of Rowan.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be held at the mill of Zadock Griffith in the said county on the day of the annual election for members of the General Assembly, a separate election under the same regulations, rules and restrictions as the other separate elections in said county.

CHAP. LI.

An act to amend an act entitled "an act to establish a separate Regiment in the county of Robeson" passed in the year one thousand eight hundred and ten.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the Brigadier General of the fourteenth brigade, and Major-General of the second division to review said regiment at Malcom M'Niels in said county and not in Lumberton as heretofore used, any law to the contrary notwithstanding.

CHAP. LII.

An act to authorize John Miller of the county of Buncombe to erect a gate across a road in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Miller of the county of Buncombe, be, and he is hereby authorized and empowered to erect and keep up a gate on his own land across the public road near the free bridge, on French Broad River, under the same rules, regulations, immunities and restrictions as are now provided for by the laws of this state.

CHAP. LIII.

An act to authorize William Tatem and Thomas Gray of Currituck county to erect gates at the places therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Tatem and Thomas Gray of Currituck county, be, and they are hereby authorized to erect gates as herein prescribed, to wit, William Tatem to erect a gate on his own land in Belt's Island, and Thomas Gray to erect a gate on his own land in Churches Island; which gates shall be subject to the same tax and in every respect be under the same rules, regulations and restrictions as are now or shall hereafter be prescribed by law in respect to all other public gates in this state.

CHAP. LIV.

An act to alter the time of holding two of the courts of pleas and quarter sessions of Rutherford county.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That after the passing of this act the two courts of pleas and quarter sessions heretofore held in said county on the second Mondays in April and October, shall be hereafter held on the third Monday after the fourth Monday in March and September in each year, any law to the contrary notwithstanding.

II. And be it further enacted, That all process returnable to or from the said courts shall be in conformity with this act.

CHAP. LV.

An act for the better regulation of the City of Raleigh.

BE it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That when any sheriff, city constable or other collector of the state, county or city taxes shall hereafter sell any lot of land, tenements or hereditaments for the non-payment of any taxes whatever, arising or accruing to the state, county, or within the city of Raleigh, such sheriff, constable or other collector shall advertise the same at least sixty days previous to such sale in the state paper published in the city of Raleigh, and at least three of the most public places within said city, in which advertisement shall be described the lot or lots aforesaid, the number which such lot or lots is or are within the plan of said city, the name of the person or persons if any residing upon such lot or lots, and the name of the person or persons who is or are the reputed owner or owners thereof when the same can be ascertained: and such sheriff, constable or other collector failing to perform the requisites of this act, shall forfeit and pay the sum of one hundred pounds to be recovered by action of debt in any court of record having jurisdiction thereof to the sole use of the person or persons suing for the same.

II. And be it further enacted, That for the better preservation of the water works now erecting without the limits of the said city for the purposes of supplying the city with water, the commissioners aforesaid are hereby authorized to make all necessary ordinances and enforce the same for the punishment of any person who may wantonly injure the said works in any manner whatsoever.

CHAP. LVI.

An act to authorize the county court of Halifax to lay a tax for the purpose of building a public Jail in said county and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the county court of pleas and quarter sessions for the county of Halifax, at the first term happening after the first day of January next, a majority of the acting justices of said county being present, to lay a tax for the purpose of meeting the expences of completing the new Jail in said county, which tax shall be continued from year to year until a sufficient sum is raised for that purpose: *Provided*, That the tax so laid as aforesaid shall not exceed the public tax due to the state from said county in any one year, and the sheriff of said county, under the direction of the court, shall pay into the hands of the undertaker of said Jail such sums as they may direct, without any commission whatever, when the same shall be by him collected, and the receipt of the undertaker shall be a sufficient voucher for said sheriff in his settlement with the county trustee, any law to the contrary notwithstanding.*

CHAP. LVII.

An act to establish an Academy at Pleasant Grove in Perquimons county and incorporate the trustees thereof.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That James Whidbee, James Sumner, John Miller, John Clayton, Hugh Godfrey and Richard Leigh, are hereby created and made a corporation and body politic by the name and style of

"the Trustees of Pleasant Grove Academy, in Perquimons county," and as such shall have perpetual succession and other powers, privileges, immunities and capacities, to do and act in all matters and things which may promote the interests of said Academy in as full and ample a manner as the trustees of any Academy in this state.

II. And be it further enacted, That whenever any vacancy or vacancies may happen in the said corporation by the death, removal or resignation of any of the members thereof, the others or a majority of them may from time to time appoint other persons to fill such vacancy.

CHAP. LVIII.

An act to regulate the passage of vessels through the gates of the Bridges across Scuppernon River at Columbia in Tyrrel county, and at the town of Hertford and Nixon's Bridge on Perquimons River in the county of Perquimons and Sawyer's Bridge in Camden county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That any master or owner of any vessel who shall hereafter pass through said gates without lowering the sails of his vessel, or shall in any respect damage the same, shall forfeit and pay the sum of twenty-five pounds, to be recovered before any justice of the peace for said counties, one half to the prosecutor, and the other half for the use of the poor of said counties, and be further liable for all damages which said bridges may sustain by his passing as aforesaid.

CHAP. LIX.

An act to establish three other separate elections and to remove two of those already established in the county of Pitt.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the election now held at the house of Samuel Vines, be in future held at the House of Lemuel Deberry, and the separate election now held at the house of Willie Cannon, be in future held at the house of Redding C. Ship.

II. Be it further enacted, That three other places of election be established in said county, viz: one at the house of Willis Randolph, one at the house of Henry Moore on the south side of Tar river, and the third at Yankey Hall on the North side of Tar river.

III. Be it further enacted That the several elections removed and established by this act be conducted under the rules, regulations and restrictions heretofore provided by law for holding elections in said county.

CHAP. LX.

An act to amend the laws of this state concerning wardens of the poor so far as respects the county of Craven.

WHEREAS it is represented to this General Assembly that the county of Craven labours under many and great inconveniences on account of the refusal to serve of persons elected wardens of the poor for said county.

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all persons hereafter duly elected wardens of the poor for the county of Craven, who shall after being legally notified by the sheriff, refuse to qualify as such, shall forfeit and pay the sum of twenty-five pounds, to be sued for and recovered in any court of record and appropriated as the existing laws of the state at present prescribe, any law to the contrary notwithstanding.

CHAP. LXI.

An act to establish battalion musters in the county of Carteret.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after passing this act it shall be lawful for the colonel or commanding officer, of the Carteret regiment of militia, to order one battalion muster in each and every year hereafter, at the house of Abner Bells on Bogue Sound, to include all the Captains Districts west of New-port river, and also to order and hold one other battalion muster in each and every year hereafter, at the house of William Nelson on Hunting Quarter to include all the Captains Districts east of the Straits District, except when a general review shall be ordered, any law to the contrary notwithstanding.

CHAP. LXII.

An act to incorporate the Raleigh Library Company.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the persons now associated together in the city of Raleigh as a Library Company, and all such persons as may hereafter become members of said company, shall be, and are hereby declared to be a body corporate and politic by the name and style of "the Raleigh Library Company," and as such shall have perpetual succession, may take and hold property as well real as personal, not exceeding in value two thousand pounds in real estate, may by the name and style aforesaid sue and be sued, and may make such bye-laws not inconsistent with the laws and general policy of the state for the regulation of their members as the purposes of the institution may require.

CHAP. LXIII.

An act to amend an act passed in one thousand eight hundred and ten to incorporate the town of Greensborough in the county of Guilford.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said act be, and it is hereby amended, so that there shall in future be nine commissioners instead of the number at present required, and until the next appointment by law of the said commissioners, that James Johnson, James Dunning and Robert Moderville, be appointed commissioners of the said town.

CHAP. LXIV.

An act to authorize the county court of Surry to lay a tax for the purpose of building a new Jail in said county and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the justices of the county court of Surry when they may deem it necessary after the passing of this act, not less than twelve thereof being present, may for such length of time as they may think proper for effecting the purposes hereinafter mentioned, lay a tax not exceeding thirty cents on every poll, thirty cents on every hundred pounds value of town property, and fifteen cents on every hun-

1866
 1866 dollars value of land, for each and every year they may continue the same, to effect the purpose aforesaid, which tax shall be collected and accounted for in the same manner and by the same persons that collected the public tax, and be paid into the hands of the treasurer of public buildings in said county, for the purpose of defraying the expenses of building a new jail in said county.

II. *And be it further enacted*, That Andrew Kincannon, Joseph Williams, Jun. William P. Dobson, Obadiah Martin and George D. Holcomb, be, and they are hereby appointed commissioners to contract with such person or persons as they may think proper to build said new jail, according to such plan as they may deem advisable, or the county court direct, the cost whereof shall be defrayed by the proceeds of the taxes which may be collected by virtue of the first section of this act.

III. *And be it further enacted*, That until the aforesaid jail be completed, it shall be the duty of said county court of Surry, or the justices of the peace out of court, in all cases of commitment for safe keeping, to direct their sheriff or other officer to convey such person so committed to the jail of some adjacent county; and it shall be the duty of such jailer to receive into his care and custody all such as may be committed by virtue of this act. And in all cases where the sheriff or other officer of said county shall arrest any person by a writ of *capias ad satisfaciendum*, it shall be the duty of said sheriff or other officer to convey such defendant to the jail of some adjacent county, and it shall be the duty of the sheriff or jailer of such county to receive into his care and custody, any law to the contrary notwithstanding: *Provided nevertheless*, That nothing herein contained shall be so construed as to authorize the commitment of any person from the county of Surry to the jail of Wilkes county, until the new jail in said county shall be completed.

IV. *And be it further enacted*, That all such costs and charges as may become a county or a public charge, in consequence of such commitments shall be defrayed by the county court of Surry.

CHAP. LXV.

An act declaring the duty of the colonel or commanding officer of militia in the county of Craven and for other purposes.

BE it enacted by the General Assembly of the State of North Carolina, and it hereby enacted by the authority of the same, That from and after the passing of this act it shall be, and it is hereby declared to be the duty of the colonel or commanding officers of militia in the county of Craven, to review the different battalions in said county at their places of battalion muster respectively.

II. *And be it further enacted*, That any law which authorizes the colonel or commanding officer of militia in the county of Craven to order the different battalions in the same to appear for regimental review at any other places than those fixed on for battalion musters, be, and the same is hereby repealed and made void.

CHAP. LXVI.

An act to alter the places of holding separate elections in the county of Craven and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore held at the house of the widow of James Jones, deceased, in Craven county, shall in future be held at the house of John Pariss in said county, on the road leading to Broad Creek.

II. *And be it further enacted*, That the fourth section of an act passed in the year one thousand eight hundred and fourteen, entitled an act to prevent any person or persons from impeding the free passage of fish up Brices Creek in the county of Craven, and for other purposes, be, and the same is hereby repealed and made void, and a separate election shall be held in future at the house or plantation of John Lotham in said county in the same manner as if the above recited act had never been passed, and each of the said separate elections authorized by this act shall be held on the same day and governed by the same rules, regulations and restrictions as have been heretofore prescribed by law, relative to the separate elections of said county.

CHAP. LXVII.

An act to prevent obstructions of fish running up Trent River.

WHEREAS many persons are in the practice of obstructing the passage of fish up said river.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future all persons owning lands on either side of Trent river, are hereby authorized and empowered to haul seines and catch fish in two thirds of the waters adjoining their own lands in Trent river and no more.

II. *And be it further enacted*, That if any person or persons shall hereafter hedge up or stretch their seines across the said river, so as to obstruct the passage of fish up the said river more than two thirds on either side he, she or they shall on conviction before any competent jurisdiction having cognizance thereof, forfeit and pay the sum of fifty dollars, one half to the use of the informer, and the other half to the use of the county in which the violation of this act may happen: *Provided nevertheless*, That this act shall extend to the county of Jones and no other.

CHAP. LXVIII.

An act to establish and confirm the judgment of the superior court of law of Randolph county divorcing Hannah Bray and her husband Solomon Bray from the bonds of Matrimony.

WHEREAS it appears from the transcript of a record legally authenticated, that Hannah Bray of the county of Randolph filed her petition in the clerks office of the superior court of law for said county, containing allegations and charges against her husband Solomon Bray for committing the crime of adultery and praying a divorce from the bonds of matrimony.

And at the last September term of the said superior court of law for Randolph county, the said petition came on to be heard and the allegations were substantiated by evidence and found true by a lawful jury impannelled for that purpose: *Whereupon*, It was ordered, adjudged and decreed that the petitioner Hannah Bray be divorced and separated from the bonds of matrimony and nuptial ties heretofore celebrated and intered into, with the defendant Solomon Bray, which order, judgment and decree remains to be established and confirmed by an act of this General Assembly: Therefore,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the order, judgment and decree of the superior court of law of Randolph county aforesaid, divorcing Hannah Bray from her husband Solomon Bray, be, and the same is hereby established and confirmed accordingly.

An act to establish and incorporate an Academy in the town of Greensborough in the county of Guilford.
BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted, by the authority of the same, That Thomas Dick, John M. Dick, Robert Lindsay, Richard Mendenhall, John Caldwell, Dr. David Caldwell, Jun. Thomas Caldwell, Dr. David Worth, James Clements, James Dick, Joseph Davis, Dr. George Swain, Jacob Hubbard, Maj. Robert Daniel, Col. Samuel Hunter, James McNairy, John Slade, Maj. James Johnson, George Raskin, John Hunter, Robt. A. Carson, Abraham Geren, Robert Hanner, Hans McCai, Jonathan Parker, Pheneas Albertson, Hugh Watts, James Dunning, Simeon Geren, Henry Humphreys, Col. Jesse Fields, William Ryan and David McAdow, shall be, and they are hereby declared to be a body politic and corporate to be known and distinguished by the name of "the Trustees of the Greensborough Academy," and by that name shall have perpetual succession and by the name aforesaid they or a majority of them shall be able and capable in law to take, demand and receive and possess all monies, goods and chattels that shall or may be given for the use of the said Academy and the same apply according to the will of the donor, and by gift, purchase or devise to take, have, receive, possess, enjoy and retain to them and their successors forever any lands, rents or tenements of what kind or nature soever, in special trust and confidence that the same or the profits thereof be applied to and for the purpose of establishing and endowing the said Academy and shall be able and capable of pleading and being impleaded by their proper officers either in law or equity for any monies or other things which may be given, devised or subscribed for the use of said Academy.

II. And be it further enacted, That the said trustees or a majority of them, shall have power to appoint such professors or tutors as to them shall appear necessary, also a treasurer and secretary on such terms and conditions and with such restrictions as they may think proper, and the said trustees or a majority of them, shall have power to make all such laws and regulations for the government of said Academy, and for the promotion of order and morality therein as they may deem necessary not inconsistent with the laws and constitution of this state.

III. And be it further enacted, That on the death, removal from the county, inability or refusal to act, or resignation of any of the said trustees, it shall and may be lawful for the remaining trustees or a majority of them to elect other trustees in the place and stead of such as die, remove, resign or refuse to act, and the trustee or trustees so elected shall have equal power, authority and capacity with the trustees hereby appointed, any law to the contrary notwithstanding: and this act shall be in force from and after the ratification thereof.

CHAP. LXX.

An act vesting in Benjamin Howorth of Buncombe county the profits arising from a Turnpike Road therein mentioned and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That Benjamin Howorth of Buncombe county, be, and is hereby authorised to have, hold and possess all the profits and benefits arising from that part of the turnpike road in said county, which was originally vested in Philip Hoodenpyle, and by him transferred to John Welch by an act of the General Assembly, passed in the year one thousand eight hundred and thirteen, and he is also authorized to erect gates on the said road, may sue and be sued, plead and be impleaded, and be subject to the same penalties as the said Hoodenpyle and Welch was subject to or had a right to enjoy.

II. And be it further enacted, That the sale and transfer made by John Welch to the said Benjamin Howorth, be, and the same is hereby sanctioned and confirmed, and that the said Benjamin Howorth shall be vested with all the rights and emoluments in as full and ample a manner as were held and enjoyed by the said John Welch, and upon the same terms, conditions and restrictions, any law to the contrary notwithstanding.

CHAP. LXXI.

An act to regulate the pilotage at Beaufort Barr and to appoint commissioners of navigation for the port of Beaufort in the county of Carteret and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That all vessels drawing eight feet water and under ten feet, one dollar per lot, and all above ten feet at one dollar and fifty cents per foot from the outside of the barr, in and to either of the canals of Shackleford's or Bogue barks or to Chadwick's point.

II. And be it further enacted, That Gilbert Rumley, Elijah Canaday, Solomon Ward, James Davis and William Bell, be, and they are hereby appointed commissioners of navigation for the port of Beaufort, with all the powers and authority which are already established by law for the government of commissioners of navigation within this state.

III. And be it further enacted, That commissioners of navigation shall not act as branch or licensed pilots while they continue in the appointment of commissioners of navigation for the port of Beaufort.

CHAP. LXXII.

An act to settle certain disputes respecting the Court House in Nash county.

WHEREAS disputes have arisen respecting the court-house in Nash county, in consequence of the proceedings of the commissioners appointed by an act, passed at the last session of the General Assembly entitled "an act to appoint commissioners to fix on a suitable place in the county of Nash, for erecting the court-house and other public buildings, and for other purposes therein mentioned," and whereas it is represented to this General Assembly that it is doubtful whether the freemen of Nash county wish the court house to be removed from its present site to the place fixed upon by the commissioners, for the purpose of settling the aforesaid disputes and ascertaining the wishes of the people of Nash upon the subject of removing the court-house.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the proceedings of the commissioners appointed by the act aforesaid shall be suspended until the third Monday of April next, and that on the second Monday of April next the freemen of Nash county shall express each upon his vote or ticket the place where he wishes the court-house of said county to be located, by writing on the said vote or ticket as an evidence of his wish the words "old place," or "new place," and a majority of votes shall decide where the court-house shall be fixed, and the sheriff with the inspectors of the poll or a majority of them, shall certify to the commissioners aforesaid the state of the vote, and if they shall certify that a majority of votes have been given for the

old place, the said commissioners shall proceed to erect a court-house at the said place, and if they shall certify that a majority of votes have been given for the "new place," the said commissioners shall proceed to erect a court-house at the said place.

II. *Be it further enacted* That the election aforesaid shall be held at Nash court-house and three inspectors of the polls shall be chosen, who together with the sheriff shall before opening the polls take an oath before some justice of the peace in said county to conduct the said election fairly and impartially, and to make a true and correct certificate of the votes given to the commissioners aforesaid, and the said inspectors shall be appointed by the county court at the session next preceding the said election, and to make such appointment a majority of the acting justices of the county shall be present.

III. *And be it further enacted*, That if a majority of votes should be for the new place for erecting the court-house, John Aston shall be authorized to sell and dispose of for his own use the public ground on which the present court-house is erected or so much thereof as is not included in any of the lots already sold by the said commissioners.

CHAP. LXXIII.

An act to establish and lay off a town on the lands of George D. Halcomb and Peter Dowel in the county of Surry.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Foote, Daniel Levertin, Benjamin Bingham, William Zachery and Thomas Wiles be, and they are hereby appointed commissioners to lay off a town on the lands of George D. Halcomb and Peter Dowel in Surry county to be called and known by the name of Halcombville, and that the aforesaid commissioners or a majority of them shall be, and they are hereby authorized to lay off said town into acre or half acre lots with convenient streets and allies as to them shall appear most advisable, and the said lots when so laid off shall be for the sole benefit and free disposal of the said George D. Halcomb and Peter Dowel.

CHAP. LXXIV.

An act declaring that the second Regiment of Militia of the county of Anson shall be reviewed by the general officers of the division and brigade to which the same is attached at the place of holding their regimental musters.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future it shall be the duty of the general officers of the division and brigade to which the second regiment of militia of the county of Anson is attached, to review the said regiment at the place of holding their regimental musters, and the reviews shall take place at the same time and under the same rules, regulations and restrictions as heretofore prescribed by law for the like purposes.

CHAP. LXXV.

An act to repeal the first and fourth sections of an act passed in the year one thousand eight hundred and fifteen, entitled "an act relative to Fish Traps on the Yadkin or Pee Dee River," and to amend said act.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the first and fourth sections of an act entitled "an act relative to Fish Traps on the Yadkin or Pee Dee River," passed in the year one thousand eight hundred and fifteen, be, and the same is hereby repealed.

II. *And be it further enacted*, That all owners of Fish Traps on the Yadkin or Pee Dee River shall keep the same clean of Trash or any kind of rubbish from the first day of September until the fifteenth day of November in each and every year hereafter, under the penalty of five pounds for each and every offence, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the county in which said offence shall be committed, and the other half to the use of the person suing for the same.

CHAP. LXXVI.

An act to amend an act passed in one thousand eight hundred and four, Chapter XLV. entitled an act to incorporate the town of Hamilton.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William R. Bennett, Eaton Pugh and Henry Wilkes, be, and they are hereby appointed commissioners of the town of Hamilton in addition to those heretofore appointed by the before recited act.

II. *Be it further enacted*, That the overseer of streets of said town shall and may require the inhabitants either to work thereon or to procure a sufficient substitute to perform such work ten days in any one year, any thing in the said act to the contrary notwithstanding.

III. *Be it further enacted*, That the clerk of the board of commissioners of said town shall before he enters upon the duties of his office enter into bond in the sum of one hundred dollars, payable to the chairman or his successor in office, with such security as may be approved by said board for the faithful performance of his several duties and for the safe keeping of all such books, deeds, grants or other papers as may be committed to his care by virtue of his said office.

CHAP. LXXVII.

An act to repeal an act of the General Assembly passed in the year one thousand eight hundred and nine, entitled "an act requiring a majority of the acting Justices of Wayne and Montgomery counties, to be present in certain cases" so far as respects the county of Wayne.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the above recited act, entitled "an act requiring a majority of the acting justices of Wayne and Montgomery counties to be present in certain cases," so far as respects the county of Wayne, be, and the same is hereby repealed and made void.

CHAP. LXXVIII.

An act to restore to citizenship Robert Hall, George Hall, Owen Hall and Asa Mitchell of the county of Wilkes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Robert Hall, George Hall, Owen Hall and Asa Mitchell of the county of Wilkes, be, and they are hereby restored to citizenship in as full and ample a manner, to all intents and purposes as if they had never been convicted of the perpetration of any criminal offence whatever, and they are also declared able and capable to depose and testify in all cases when the same may be necessary: *Provided*, That nothing herein contained shall make the said Robert Hall, George Hall, Owen Hall and Asa Mitchell or either of them able or competent to set on any Jury in any case whatever.

CHAP. LXXIX.

1816

An act to vest the power in the Commissioners of pilotage and navigation of the port of Wilmington to assess, fix and regulate the fees of the Harbour Master.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of pilotage and navigation of the port of Wilmington are hereby invested with the power and authority of assessing, fixing and regulating at all times the fees of the Harbor Master of said port in such manner as they or a majority of them may think proper, to be collected from a tax imposed on vessels entering the said port as heretofore authorized by law.

II. And be it further enacted, That all acts and clauses of acts which come within the purview and meaning of this act, be, and the same are hereby repealed and made void.

CHAP. LXXX.

An act to have transcribed and copied certain records in the Register's Office of Bladen county and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions of the county of Bladen, be, and the same is hereby authorized and empowered to have transcribed and copied in well bound books to be provided for that purpose, such of the public records in the office of the register of said county, as the said court may order and direct.

II. And be it further enacted, That the said court may make a reasonable compensation to the person or persons by whom the aforesaid records may be transcribed and copied, which compensation together with the costs of the necessary books herein directed to be purchased upon the certificate of the chairman of the court, shall be paid by the trustee of the county out of funds of the same not otherwise appropriated.

CHAP. LXXXI.

An act authorizing Jacob Fields to cut a road and turnpike the same in the county of Onslow.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Jacob Fields is hereby empowered and authorized to cut a road and turnpike the same from his house through a place called the Desert or Pecason to a place called Sandy Bridge, and to the court-house about six miles.

II. And be it further enacted, That the aforesaid road shall be thirty feet wide, a ditch on each side not less than four nor more than six feet wide, and the aforesaid Jacob Fields shall be subject to the same fines and penalties for not keeping the aforesaid turnpike in repair as is now in force against overseers of roads.

III. And be it further enacted, That should any person owning lands over which the aforesaid road shall run, and conceiving themselves injured by cutting the same, that upon their application to the county court of Onslow the court shall appoint twelve freeholders to assess the same, which damages shall be paid by said Fields in full compensation for the same.

IV. And be it further enacted, That the aforesaid Jacob Fields, his heirs and assigns are hereby invested with the exclusive privilege for the term of ninety-nine years, of exacting and receiving the following rate of toll, (viz.) for each wagon and horses thirty cents; for each four wheel carriage thirty cents; for each cart and horse fifteen cents; for each chair and horse fifteen cents; for each man and horse ten cents; for each horse, mule or Jack eight cents; for each and every head of cattle five cents; for each and every head of hogs or sheep three cents; and for each footman five cents, as a compensation for the expense which the aforesaid Jacob Fields may be at in cutting, ditching and making the said turnpike road and keeping the same in repair, and that the aforesaid Fields may erect a toll gate at a suitable place across said road.

V. And be it further enacted, That the aforesaid turnpike shall be opened and be in good repair within ten years from the date hereof, otherwise all privileges hereby granted shall be forfeited.

CHAP. LXXXII.

An act to divide the Wilkes Regiment of Militia and to form the same into separate and distinct Regiments.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That the companies commanded by captains William Hampton, William Parks, Samuel Johnson, John Martin, William Bell, Moses Cass and Peyton Colvard shall compose the first regiment, and the companies commanded by captains Michael Swain, Smith Fergusson, Levi Coffee, Lewis Waters, Hamilton Brown, and the company formerly commanded by captain Martin Parker shall compose the second regiment, and the commissioned officers shall by vote establish and fix upon a suitable place to hold their respective regimental musters and the brigadier general of the brigade to which said regiments are attached shall review the said regiment at the places established for holding their regimental musters.

II. Be it further enacted, That whenever a company is formed of that part of the county of Wilkes which was taken from the county of Iredell, it shall be attached to and form part of the first regiment hereby established, and when the said regiments are formed they shall be governed by the same rules, regulations and restrictions that are or may be established for the government of other regiments of militia in this state.

CHAP. LXXXIII.

An act concerning the town of Fayetteville.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the inhabitants of the town of Fayetteville when classed by the commissioners of said town as a night watch shall be compelled by themselves or by good substitutes to serve in turn when ordered out by the superintendent of patrols, under the penalty of ten shillings to be recovered by warrant before the magistrate of police for the use of the town.

II. And be it further enacted, That the Jailer of the county of Cumberland is hereby authorized and required to receive into his jail under his care any person or persons taken up in the night by the town watch or patrol without mittimus, and him or them safely keep until the following morning, when the offender or offenders shall be brought before the Magistrate of Police and dealt with as the ordinary of said town may direct, for which service the Jailer shall be entitled to the usual fees.

III. And be it further enacted, That for every certificate granted by the commissioners of the said town

1816 for selling spirits by the small measure, there shall be paid at the granting of the same and yearly thereafter, the sum of five dollars for the use of the town.

IV. *And be it further enacted by the authority aforesaid, That the commissioners of the said town shall have power to appoint a Guager for the said town whose duty it shall be to guage all casks of spiritous liquors that he may be required to guage, and to mark the true contents thereof on each cask, and shall have liberty to take and demand such fee for his service as the commissioners of said town shall establish not exceeding twenty-five cents.*

CHAP. LXXXIV.

An act relative to the county courts of Stokes and Surry.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That twelve Justices in either of the counties of Stokes and Surry being present in court shall be competent to do, perform and execute all and singular the business of what kind or nature soever, as well in laying the county taxes as in making all appointments of what kind or nature soever, competent for the said courts respectively to make; fully and to the same extent as if a majority of the acting Justices of the peace in either of the said counties were present on the bench, and that all laws and clauses of laws coming within the meaning and purview of this act, are hereby declared to be repealed and made void, any thing to the contrary notwithstanding.

CHAP. LXXXV.

An act to repeal the existing laws relative to the improvement of the navigation of Hedgecock Creek in Richmond county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the laws heretofore passed and now existing relative to the improvement of Hedgecock Creek, in the county of Richmond, be, and they are hereby repealed and made void.

CHAP. LXXXVI.

An act to restore to Isham Sheppard of Richmond County the privileges of a citizen.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the privileges of a citizen, be, and are hereby restored to Isham Sheppard of the county of Richmond, and he is declared to possess and enjoy all rights and privileges and to depose and testify in all cases where the same may be necessary in as full and ample manner to all intents and purposes as if he had never forfeited his rights and privileges by his conviction for any criminal offence whatever: *Provided*, That nothing herein contained shall make the same Isham Sheppard able or competent to set as a juror in any case either civil or criminal.*

CHAP. LXXXVII.

An act to amend an act entitled "an act to authorize the county court of Wilkes to lay a tax for the purpose of building a new Jail in said county and for other purposes."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners named in the fourth section of the before recited act or a majority of them, shall on or before the 31st day of October next, or as soon after as to them may be convenient, proceed to let out the building of the said Jail in the manner presented in the before recited act, and all monies which now are or may hereafter be collected which was or may be levied and collected for the purpose of building the Jail aforesaid shall be paid over to the treasurer of public building, and shall be applied to the building of said Jail, and be paid out to the undertaker of said building agreeable to the directions of a majority of said commissioners.

II. *Be it further enacted, That in case of death, removal or refusal to act of any of the commissioners named in the before recited act, a majority of said commissioners are hereby authorized to elect a commissioner to fill said vacancy, and shall have the same power as those originally appointed by this act, any law to the contrary notwithstanding.*

CHAP. LXXXVIII.

An act to secure to the persons therein named such property as they may hereafter acquire.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Polly Lumpkin of the county of Granville, wife of William Lumpkin; Eunice Atford of the county of Guilford, wife of Roy Atford; Mary Ann Dorsey of the town of Wilmington, wife of Robert Dorsey; Christina Wolf of the county of Buncambe, wife of Cobb Wolf; Mary Marden of the county of Camden, wife of Robert Murden; Elizabeth Morris of the county of Randolph, wife of John L. Morris; Sarah Denson of the county of Moore, wife of Benjamin Denson; Nancy Balance of Currituck county, wife of Charles Balance; and Nancy Jean of the county of Guilford, wife of Lemuel Jean; Susanna Jones of Johnston county wife of Thomas Jones; Harriet Laspyere of New-Hanover county, wife of Bernard Laspyere, be, and they are hereby severally made capable of holding, possessing and enjoying in the sole and exclusive right all such estate either real or personal as they may hereafter acquire, either by descent purchase or otherwise, in as full and ample a manner as if they had never been under the coverture of their respective husbands, free and clear from the claims of their said husbands or their creditors; and they are severally made capable to prosecute and defend suits, either in law or equity in their own names in the same manner as if they had never been married.

CHAP. LXXXIX.

An act to authorize the Rose Bay Turnpike Company in the county of Hyde to cut a navigable canal from Mat-tomuskeet Lake to the head of Rose Bay in said county, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Rose Bay Turnpike Company are hereby authorized and empowered to cut a canal on the one side of the said turnpike road not exceeding twenty feet in width, and four feet deep, and to erect a lock or locks if necessary, for the transportation of any articles of produce or merchandize, and that the president, directors and stockholders of said company at any general meeting shall have full power and authority to make such rules regulations and restrictions for carrying the same into effect, so as not to infringe on the laws and constitution of this state or of the United States, and the said company at any general meeting may and shall be authorized to establish any sum to be paid by the company for the said purpose, not exceeding fifty dollars on each share now held in said road by instalments, and in such manner that no instalment shall exceed ten dollars for every twelve months.

II. *And be it further enacted,* That the said company shall be allowed the term of six years to finish and complete the said canal, and when completed shall be in such order as to enable boats or any kind of produce or merchandize to pass through the said canal; the stockholders at a general meeting shall be authorized to proceed to fix the rates of toll, for all kind of property or persons passing the same so that the rates of toll do not exceed fifteen per cent. in any one year on the amount of the stock, and the rates of toll shall be advertised at one end of the said canal in some public place, and also at the court-house, and in two other public places in said county.

III. *And be it further enacted,* That if any stockholder in said company shall refuse or neglect to pay his instalment after having regular notice ten days before the time appointed, either in work according to the directions of the company, or in money, the treasurer of said company may bring suit for the amount thereof, by action of debt before a single justice of the peace in the name of the Rose Bay Turnpike Company, and the same when recovered shall be applied in making and improving the said road or Canal, and if any stockholder shall still refuse or neglect to pay his instalment after judgment is obtained for the same, execution shall be awarded and levied on his share or shares in the said road and canal, and sold accordingly, which sale when proved and registered in the books of the secretary of the company, shall be good and valid to all intents and purposes.

CHAP. XC.

An act to improve the navigation of the North East River in the county of Duplin.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the justices of the county court of pleas and quarter sessions of Duplin county, as soon as they may deem it expedient, to cause the North East River to be laid off into convenient districts, beginning at Cornega's Bridge, above the mouth of Goshen, and thence down the river to the mouth of Rockfish; and when it shall be so laid off into districts as aforesaid the said court shall appoint one overseer for each and every district, who shall continue in office for one year and whose duty it shall be to superintend the opening and keeping open the said river within their districts respectively.

II. *And be it further enacted,* That all hands who are liable by the laws of this state to work on public roads and who are convenient to the said river, shall be compelled to work thereon, and the said court of Duplin county shall apportion among the overseers hereby required to be appointed, and designate to each the hands which shall work under them in the same manner as to overseers of roads, and the said overseers shall warn their hands respectively in the same manner as overseers of roads, and the hands be subject to the same penalties for neglect or refusal to work, as they would be when warned to work on roads.

III. *And be it further enacted,* That it shall be the duty of overseers appointed by virtue of this act respectively, to cause to be cleared out of said river all obstructions to the passage of boats or rafts, and to cut canals across points of land where they may deem it necessary and practicable, and to do and perform whatsoever other work on the said river within the distance aforesaid, which in their judgment would promote the easy and safe passage of Boats and rafts thereon.

IV. *And be it further enacted,* That the hands allotted by the said court by virtue of this act, to work on the said river, shall be exempt from working on public roads, causeways and bridges.

V. *And be it further enacted,* That the overseers appointed as aforesaid, shall make report to each and every county court of their county, after their appointment, of the progress of their respective labours, and the situation of the river as it respects the navigation thereof, and every overseer neglecting or refusing to make such report shall for each and every offence forfeit and pay the sum of twenty dollars to the use of the county aforesaid.

CHAP. XCI.

An act to establish a seminary of learning at Mattamuskeet in the county of Hyde by the name of Union Academy.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Dr. Hugh Jones, Samuel Gibbs, Jun. William Silby, Joseph Masters, Benjamin Sanderson, David Gibbs, Benjamin Spencer, Jun. Caleb Ballance and Anson Gibbs, be, and they are hereby declared to be a body politic and corporate to be known and distinguished by the name of the Trustees of Union Academy, and by that name shall have perpetual succession, and they or their successors by the name aforesaid or a majority of them shall be able and capable in law to receive subscriptions and donations, and possess all monies, goods and chattels that shall be given for the use of said Academy, and the same to apply accordingly to the directions of the donor, and by gift, purchase or devise to take, possess and enjoy to them and their successors forever, any lands, tenements and hereditaments in trust, that the same or the profits thereof be applied to and for the purposes of establishing and endowing the said Academy.

II. *And be it further enacted,* That the said trustees or a majority of them by the name aforesaid, shall be able and capable in law to purchase for the use of said Academy, one acre of land at any place in the settlement of Mattamuskeet where the said commissioners or a majority of them shall think best, and erect a building or buildings thereon of whatever size or description they or a majority of them shall agree on.

III. *And be it further enacted,* That the said trustees or a majority of them by the name aforesaid, shall be fully authorized and capable in law to grant, bargain, sell and convey any such lands and tenements or hereditaments as aforesaid, when such conveyance is not inconsistent with the terms of the donation, and further the said trustees their successors or a majority of them shall be able and capable in law by the name aforesaid, to sue and be sued, plead and be impleaded, answer and be answered in any court of law and equity in this state.

IV. *And be it further enacted,* That the said trustees and their successors or a majority of them shall have and are hereby declared to have full power to make or ordain such laws and regulations for their own government, and for the regulations and government of said Academy as to them may appear necessary, and shall be able and capable to do all things whatever, for the promotion of said Academy in as full and ample a manner as any body politic or corporate can or may do by law.

V. *And be it further enacted,* That upon the death or resignation, inability or refusing to act of any of the trustees aforesaid, it shall be lawful for the remaining trustees or a majority of them to elect others to supply their place and where so appointed shall have equal powers with the trustees appointed by this act.

CHAP. XCII.

1816

An act to authorize Michael Boney of New-Hanover county to cut a canal across the public road and erect a mill thereon and to throw a dam across Rockfish Creek, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same That from and after the passing of this act Michael Boney of New-Hanover county, be, and he is hereby authorized to throw a dam across Rockfish Creek, which divides the counties of New-Hanover and Duplin above the bridge, at any place he may judge most eligible, and that he be further authorized to cut a canal from said Rockfish Creek across the public road leading from Duplin to Wilmington, and erect a mill thereupon on his the said Boney's own premises.

II. And be it further enacted by the authority aforesaid, That as a condition upon which this privilege is hereby granted, the said Michael Boney is hereby required to enter into bond in the sum of five thousand dollars payable to the chairman of the court of pleas and quarter sessions of the county of New-Hanover with good and sufficient securities such as the court shall approve, conditioned that he the said Michael Boney shall build and constantly keep or cause to be kept in good and sufficient order a strong and substantial bridge across the aforesaid canal, for the convenient and safe passage of all travellers upon the aforesaid public road, and in case the aforesaid Rockfish Creek should be rendered navigable above where said dam may be, then and in that case the said Boney, his heirs and assigns shall be bound to construct and erect at said dam a lock, sluice or other works which shall admit the passage of rafts and boats up and down the said creek.

III. And be it further enacted, That in case the said Boney shall fail to comply with the provisions enjoined by this act, it shall and may be lawful for any person to sue said Boney upon the bond aforesaid, in the name of the chairman, and recover damages accordingly.

IV. And be it further enacted, That in case the said Michael Boney should fail or refuse to enter into bond as by this act required, the provisions of this act and every part thereof are declared to be null and void.

CHAP. XCIII.

An act to authorize the county court of Chowan to levy an additional tax for the support of the poor of the said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions for the county of Chowan, shall at the usual time of laying the county tax for the said county, lay a tax in addition to the poor tax now levied in the said county, not exceeding six cents on each and every poll, and three cents on every hundred dollars value of assessed real estate within the said county, for the maintenance of the poor thereof.

II. Be it further enacted, This act shall be in force for three years from and after the passing thereof and no longer.

CHAP. XCIV.

An act to authorize the court of Pleas and Quarter Sessions of Edgecombe county to lay an additional tax to pay their patrollers.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the County Court of Pleas and Quarter Sessions of Edgecombe, be, and they are hereby authorized and empowered to lay a tax of two shillings on each and every black poll in the said county in addition to the tax already laid, for the purpose of paying their patrollers; and the said tax shall be collected and accounted for in the same manner as other county taxes in the said county.

CHAP. XCV.

An act to authorize the Court of Pleas and Quarter Sessions of the county of Camden to lay an additional tax for the support of the poor of said county.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That the justices of the Court of Pleas and Quarter Sessions of the county of Camden, whenever they may deem it expedient, a majority of the acting justices being present to lay a tax on each taxable poll in said county, not exceeding ten shillings, and on the real estate of said county not exceeding three shillings for every hundred dollars value, as in their discretion may be required for the support of the poor of said county, and the same shall be collected by the proper officer and applied for the purposes mentioned in this act, and the collection and distribution of the same shall take place under the same rules, regulations and restrictions as are already prescribed by law for the like purposes.

CHAP. XCVI.

An act to repeal an act passed in the year one thousand eight hundred and fifteen to alter the time of holding the county court of Hyde.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the county courts of Hyde shall commence and be held on the last Monday of February, May, August and November in each and every year hereafter.

II. And be it further enacted by the authority aforesaid, That all acts, and clauses of acts coming within the meaning and purview of this act, be, and the same are hereby repealed.

III. And be it further enacted, That it shall be the duty of the aforesaid court that shall happen after the first day of March next to appoint one or more standard keepers for said county, seven justices being present, under the same rules and regulations as by law established. and the purchase of weights and measures, steelyards, &c. be paid by the county trustee, any law to the contrary notwithstanding.

CHAP. XCVII.

An act to confirm an accurate survey of the town of Beaufort in the county of Carteret and for other purposes.

WHEREAS disputes have arisen concerning the true lines of the streets and lots in the town of Beaufort in consequence of which the inhabitants have employed Jonathan Price to survey and make an accurate plan of said town.

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the lines and plan of the town of Beaufort as surveyed and established by Jonathan Price, shall hereafter be considered in all cases as the true lines and plan of said town of Beaufort in the county of Carteret, any law to the contrary notwithstanding.

II. *And be it further enacted,* That one copy of the plan of the said town of Beaufort made by the said Jonathan Pore, shall be deposited by the commissioners of said town in the register's office of Carteret county.

III. *And be it further enacted,* That the commissioners of the town of Beaufort are hereby authorized to sell at public auction, after advertising at least one month all the lots of ground laid off in the town commons except those reserved for public buildings, and also all the lots of ground in the old and new town, as formerly surveyed, and which have not been entered, paid for and deeded to the purchasers agreeable to law, and the said commissioners are hereby authorized and empowered to make and execute deeds of sale in fee simple to the purchaser or purchasers of said lots.

IV. *And be it further enacted,* That the lots No. one hundred and twenty-seven and one hundred and thirty-five, shall be reserved as public property, on which to erect a court-house, that lot No. one hundred and fifty-one shall be reserved as public property on which to erect a jail; that lot No. one hundred and twenty-eight, one hundred and thirty-six, one hundred and forty-four and one hundred and fifty-two shall be reserved in like manner, for the use and benefit of an Academy; and that lot No. one hundred and forty-three shall be reserved for such public building as the county may think proper to erect.

V. *And be it further enacted,* That the commissioners of the town of Beaufort shall pay over all moneys by them collected from the sale of the lots above named to the clerk of the county court of Carteret to be disposed of as a majority of said court may think proper, any law to the contrary notwithstanding.

CHAP. XCVIII.

An act to authorize the court of pleas and quarter sessions of the county of Warren to levy and collect a tax for the purpose of erecting a Jail in said county.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions of the county of Warren, shall at the next term of said court which shall be holden after the first day of February next, have power to levy and collect a tax upon property subject to taxation in said county, for the purpose of erecting a suitable Jail for said county, at or near the court-house thereof.

II. *And be it further enacted,* That the said court shall appoint five discreet persons as commissioners to contract and superintend the building of said Jail, no one of whom shall in any manner be contractors or undertakers of the same.

III. *And be it further enacted,* That the court aforesaid, after the said Jail shall be completed according to contract, may allow the commissioners aforesaid such compensation for the trouble incurred by them in and about the trust reposed in them, out of the county funds as they may judge right.

CHAP. XCIX.

An act to repeal an act passed in the year one thousand eight hundred and nine, entitled "an act to amend an act passed at the last session of the General Assembly, entitled an act to establish the mode of elections in the county of Jones"

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same That the above recited act passed in the year one thousand eight hundred and nine, entitled "an act to amend an act passed at the last session of the General Assembly, entitled an act to establish the mode of elections in the county of Jones," be and the same is hereby repealed and made void.

II. *And be it further enacted* That the act passed in the year one thousand eight hundred and eight, entitled "an act to establish the mode of elections in the county of Jones," shall be considered as the standing law in future, containing the rules, regulations and restrictions which shall hereafter govern the elections in Jones county, any law to the contrary notwithstanding.

CHAP. C.

An act to establish a separate election at the house of John Moodys in Haywood county, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future a separate election shall be opened and held at the house of John Moodys or Jonathan's Creek in the county of Haywood on the same day, for the same purpose and under the same rules, regulations and restrictions as govern other separate elections in said county.

II. *And be it further enacted,* That the election heretofore held on Scott's Creek in said county of Haywood, shall hereafter be held at the store house of William Foster on said creek, which shall take place on the same day and conducted as heretofore, any law, usage or custom to the contrary notwithstanding.

CHAP. CI.

An act to authorize the court of pleas and quarter sessions of Granville county to appoint commissioners to dispose of a certain lot of ground in the town of Oxford and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions of Granville county (eleven justices of the peace being present) are hereby authorized to appoint three commissioners who shall have full power and authority to dispose of on a credit of twelve months that lot of ground reserved in the town of Oxford for a church lot and to execute a deed or deeds of conveyance to the purchaser or purchasers of said lot, which deed or deeds shall be valid to all intents and purposes.

II. *And be it further enacted, &c.* That the commissioners aforesaid are hereby authorized and empowered to purchase or procure one other lot in adjoining said town of Oxford, eligible to the establishment of a church and to receive on behalf of the county of Granville, a deed or deeds of conveyance from the person or persons of whom such purchase was made.

III. *And be it further enacted,* That the commissioners aforesaid are hereby bound to pay into the hands of the county trustee the balance if any there be of money arising from the sale and purchase of said lots which money shall be applied to county uses.

CHAP. CII.

An act to incorporate the Plymouth Mechanical Society.

WHEREAS it has been represented to this General Assembly that a number of Mechanicks of the town of Plymouth have associated themselves into a society for the purpose of encouraging the useful arts, and for the support of superannuated and decayed Mechanicks and their Orphans, and whereas it appears that the business of said society cannot be so well conducted as if incorporated by act of Assembly, for remedy whereof.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the au-

816 *Authority of the same, That the individuals who are at present associated under the name of the "Plymouth Mechanical Society," and those who may hereafter become members of the said association, agreeable to the rules of said society, be, and the same are hereby incorporated into a body politic and corporate by the name of the "Plymouth Mechanical Society," and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, be capable of acquiring and holding real and personal estate, have ability to make and ordain laws and regulations for their own government and elect their own officers and generally to do receive and perform all such matters and things as rightfully belong to or are usually incident to bodies corporate or politic within this state.*

CHAP. CIII.

An act to establish and regulate a toll-road from Skewaskey landing to Oliver's ferry, on the south side of Roanoke river, and the ferry across Roanoke river, at or near where the old ferry is kept, and to grant to John Devereaux and Jeremiah Slade, an estate therein for the term of ninety-nine years.

WHEREAS, the establishing of a good road from Skewaskey landing near Williamston in the county of Martin, along the south shore of Roanoke river to Oliver's ferry, including a ferry at or near where the old ferry is now kept, will be of great public utility: and whereas, it will cost great expense and labour to make and keep in repair the said road, and in order to encourage and support a work so, beneficial to the community at large,

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for and in consideration of the great labour and expense which the said John Devereux, and Jeremiah Slade may be at in making the said road, causewaying the same, making bridges and other necessary works for completing and keeping the said road in good repair, the said road, causeways, bridges and other works necessarily appendant thereto, with all their profits, shall be and the same are hereby vested in the said John Devereux and Jeremiah Slade, their heirs and assigns, for the term of ninety-nine years, as tenants in common in proportion to their respective shares therein, and the same shall be deemed real estate. And it shall and may be lawful for the said John Devereux and Jeremiah Slade, their heirs, executors, administrators and assigns, to set up a gate on any part of said road, and at all times after the same shall be completed for the safe passage of horses and carriages, demand and receive at the said gate or gates, the following tolls or rates, viz.: for every person fifteen cents, for each horse fifteen cents, for every wheel of a carriage of pleasure twelve and a half cents, every other carriage twelve and a half cents, for each head of black cattle ten cents, for each head of hogs or sheep two and a half cents.

II. And be it further enacted by the authority aforesaid, That in case of refusal to pay the tolls at the time of offering to pass, the toll-gate to be erected as before mentioned, and previous to passing the same, the collector or toll-keeper, or the proprietors of the said tolls may lawfully refuse passage to any person or persons so refusing payment; and if any person or persons shall pass without paying the same the collector, toll-keeper or the proprietors of the said road may recover the full amount of the tolls above mentioned, with costs, before any justice of the peace of the county where the offender may be taken.

III. And be it further enacted, That in consideration of the tolls hereby granted, the said John Devereux and Jeremiah Slade, their heirs and assigns, shall for and during the term for which the said turnpike is hereby granted, after the said toll-gate shall be set up, keep the said road in good repair and passable order for carriages and horses, and in case of neglect, any person or persons shall be entitled to recover any damage which they may sustain by the said road being out of repair, before any jurisdiction having cognizance thereof.

IV. And be it further enacted, That the said toll-road, bridges, ferries and the works to be erected thereon, when completed, forever thereafter be deemed and taken as a public highway, on payment of the tolls imposed by this act.

V. And be it further enacted, That this act shall have no effect until the said Jeremiah Slade and John Devereux, or either of them shall have purchased all the right, title and interest of Thomas Spellin or his heirs, in a ferry which the said Spellin has across Roanoke river, and to which the above road leads.

CHAP. CIV.

An act to establish an Academy in the county of Carteret.

BE it enacted by the General Assembly of the State of North Carolina, and it hereby enacted by the authority of the same, That Henry M. Cooke, Belcher Fuller, Jecobias Pigott, David Ward, Elijah Pigott, Esquires, be and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of the Trustees of the Carteret Academy, and by that name shall have perpetual succession and a common seal, and the said Trustees and their successors or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels, that shall be given them for the use of the said Academy, and apply the same according to the will of the donor, and by gift, purchase or devise, to take, have, receive, possess and retain to them and their successors forever, any lands, tenements, rents or hereditaments of whatsoever kind, in special trust, that the same or the profits thereof shall be applied to and for the use and benefit of the said Academy.

II. And be it further enacted, That the said Trustees and their successors, or a majority of them, by the name aforesaid, shall have full power and authority to bargain, sell, grant, demise, alien and convey to the purchasers any such lands and tenements, rents or hereditaments aforesaid, where the condition of the grant to them or the will of the donor does not forbid it.

III. And be it further enacted, That the said Trustees and their successors or a majority of them shall be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered, in all courts of record whatsoever, and they shall have power to open books and receive subscriptions, and to do all such other things which are necessary for bodies politic and corporate, for perfecting the said Academy.

IV. And be it further enacted, That on the death, refusal to act, resignation or removal of any of the Trustees for the time being, it shall and may be lawful for the remaining Trustees or a majority of them to appoint one or more Trustees in the place of those dead, refusing to act, resigned or removed, and the Trustee or Trustees so appointed, shall be vested with the same trust, power and authority, as the original Trustees are by virtue of this act.

V. And be it further enacted, That the said Trustees and their successors or a majority of them, shall have power and authority to appoint a president, secretary and treasurer, and such professors, tutors and other officers, as to them may appear necessary and proper, whom they may remove for misbehaviour, inability or neglect of duty. And they shall have further power to make all such bye-laws and regulations, for the government of the said Academy, and preservation of good order and morals therein, as are usually made in such seminaries, as to them may appear proper: Provided, the same shall not be contrary to the laws and Constitution of this state or of the United States.

CHAP. CV.

An act to amend an act passed in the year eighteen hundred and fourteen, entitled 'an act to amend an act entitled an act concerning the Turnpike roads in Buncombe county, passed in the year eighteen hundred and thirteen.'

WHEREAS, the commissioners heretofore appointed to examine and make report to the court of pleas and quarter sessions of Buncombe county, of the state and condition of the Turnpike roads in said county, owned by Samuel Murray, jun. George B. Green and James Kirkendale, have failed or neglected to act. And whereas, by an act passed in the year eighteen hundred and thirteen, entitled 'an act concerning the Turnpike road in Buncombe county;' and by the third section thereof it is provided that the said James Kirkendale shall be entitled to receive one half of all the profits arising from said turnpike, and be subject to keep up one half of said road, as agreed on by said proprietors, and not be subject to indictment for any other part of said road than his own, and the said Samuel Murray, jun. and George B. Green, shall each be subject to keep his part of said road, and each of them shall be subject to fine only for his own part. And whereas, there is no mode pointed out whereby the said turnpike road can be allotted off to the said

proprietors, according to their respective interest, so that it can be known against whom to prefer an indictment when the same becomes necessary. For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Murray, Samuel King, sen. William Capps, Elijah Williamson and Thomas Justice, be and they are hereby appointed commissioners, whose duty it shall be under the penalties herein prescribed, within twenty days after the court of pleas and quarter sessions which shall be held for said county, on the first Monday after the fourth Monday of March next, and after they shall be notified of this their appointment, to view and examine the road aforesaid, and divide it off into three portions, one of which portions shall be one half thereof, which they shall assign to the said James Kirkendale, and the other two portions shall contain one fourth of the whole, one of which they shall assign to the said Samuel Murray and the other to the said George B. Greer, and make return thereof to the next succeeding term of the court of pleas and quarter sessions of Buncombe county, under their hands and seals, which return when so made shall by the clerk of said court be duly recorded.

II. *And be it further enacted,* That the commissioners above named, or a majority of them, shall at least twenty days before the sitting of each county and superior court, held for the county of Buncombe, view and examine said road, and make report to said county and superior court at each term thereof, of the state and condition of each portion of said road, which said report shall be in writing, and be returned by said commissioners or one of them on oath, which oath shall be taken in open court, and the clerk of said court is hereby required, when said commissioners report any part of said road to be out of order or repair, to bind over the commissioner or commissioners making the return, to attend and give evidence. And it shall be the duty of the officer prosecuting on behalf of the state to prefer a bill of indictment against the owner, proprietor or tenant of the portion of the road so reported to be out of order, and the said owner, proprietor or tenant upon conviction, shall be fined at the discretion of the court, and pay the costs of suit.

III. *And be it further enacted,* That the said commissioners shall notify the court of pleas and quarter sessions of Buncombe county, next to be held, on the first Monday after the fourth Monday of March next, of their acceptance or refusal of this appointment. And if either of said commissioners shall after acceptance, refuse or neglect to perform the duties pointed out by this act, he or they so refusing or neglecting, shall for each and every failure be subject to a fine of five pounds, recoverable by warrant before any justice of the peace of said county, to the sole use and benefit of the person suing for the same, and the said commissioners shall be entitled each to ten shillings for every day they shall be necessarily employed in viewing and examining said road, to be paid by the proprietors thereof or either of them, and recoverable by warrant in case of non payment.

IV. *And be it further enacted,* That in case of the death, removal or refusal to act of any of the said commissioners, that then and in that case the court of pleas and quarter sessions of said county, seven justices at least being present, may and shall appoint some person or persons in the room and stead of those dying, refusing to act or removing away, who shall possess the same powers, and be subject to the same penalties, and entitled to the same emoluments as those herein appointed.

V. *And be it further enacted,* That the said commissioners or a majority of them shall have full power and authority from time to time to alter said road, *Provided,* that the old road shall not be stopped up until the permission of the superior court of said county, has first been obtained for the same.

VI. *And be it further enacted,* That the said commissioners shall have power whenever it shall be desired by a majority of the proprietors of said turnpike road, to remove the toll gates thereof to such place or places, as they may deem proper, and bind the keeper of said toll-gate in such obligations as they may think necessary, to faithfully account for all monies that he may collect on account of said turnpike road.

VII. *And be it further enacted,* That upon the failure of said commissioners or a majority of them to make their report to court as directed by this act, that then and in that case it shall be in the power of any individual to go forward and enter a complaint against the owner, owners or tenants of said turnpike road, when out of repair, and the prosecuting officer on behalf of the state, shall make out a bill of indictment against them as in other cases.

VIII. *And be it further enacted by the authority aforesaid,* That all acts and clauses of acts coming within the meaning and purview of this act, be and the same are hereby repealed and made void.

CHAP. CVI.

An act to establish a Turnpike Road in the county of Burke.

WHEREAS, it is represented to this General Assembly, that a Turnpike Road near the Yellow Mountain would enable several hundred families in Burke county to procure their salt cheaper by fifty miles less land carriage; and it is also represented, that the legislature of the state of Tennessee have already passed an act to establish a Turnpike Road to pass near the Yellow Mountain.

BE it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That W. W. Erwin, John M'Gimpsey, James Murphey, John M. Greenlee, and Daniel Brown, Esquires, be and they are hereby appointed trustees, and they or a majority of them are hereby invested with full power and authority to lay off, designate and mark, (or cause the same to be done,) a road for a turnpike from the North Cove in the county of Burke, over the Apalachian ridge of mountains, that way which they or a majority of them shall judge the most advantageous for loaded wagons, in such manner as to unite with the present Yellow Mountain Road, thence up Tod river, to a point opposite the mouth of Plumb Tree creek, and thence to the dividing line between this state and the state of Tennessee near the Yellow Mountain, designating and marking the said road in every part thereof, that way which they or a majority of them shall judge most advantageous for loaded wagons, and best adapted to constitute part of a market road from the North Cove aforesaid, as far as the said dividing state line towards King's and Preston's Salt Works near Abington.

II. *And be it further enacted,* That the said Trustees shall have, and they or a majority of them are hereby declared to have, and be invested with power and authority to make a contract with an undertaker, to open and clear out the said road for a turnpike, in such manner that a good team of four horses shall be able to draw a loaded wagon over the said road with a load therein of twenty hundred weight; and when the above facts shall be verified to the satisfaction of the justices of the county court of pleas and quarter sessions for said county of Burke, not less than five justices being present, the said court shall cause the contract of the said trustees and undertaker to be recorded, and shall thereupon make an order, that the said undertaker and his assigns for the term of not exceeding twenty-five years, shall be authorised to demand and receive the following tolls, to-wit all four wheeled carriages one hundred cents; all two wheeled carriages fifty cents; for a man and horse twelve and a half cents; all lead horses and droves of horses, jacks and mules three cents each; for droves of cattle one and a half cents each; and for droves of hogs and sheep one and a half cents each.

III. *And be it further enacted,* That the undertaker and his assigns from the time the said road shall be so received by the said justices of the county court aforesaid as a turnpike road, are hereby declared to be invested with the right of property of the said road for the term mentioned in the contract, and all dug-ways, bridges and cause-ways, by him or them made for the use of said road; and every person who shall wilfully obstruct the said road by cutting down into the same any tree or trees, or shall wilfully break down or destroy any bridge, wharf or cause-way, or throw any rocks or other obstructions into the same, shall forfeit and pay the undertaker or his assigns as owner of the said turnpike road, the penal sum of forty dollars, to be recovered before any jurisdiction having cognizance thereof; and the offender shall be further liable to an action in the name of the said undertaker or his assigns as owner of the said turnpike for the injury done to the same.

IV. *Be it further enacted,* That the present public road called the Yellow Mountain Road shall continue a public road, and the hands living near the same, now liable to be called to work thereon, shall continue liable to work thereon until the turnpike before mentioned, shall be completed and received by the justices of said court, and the undertaker

1816 authorised to receive tolls; and thereafter the said hands shall be exempted from working on all such parts thereof as the said trustees shall have designated as parts of the said turnpike, which shall be kept in repair by the undertaker and his assigns, during the continuance of the contract.

V. *Be it further enacted*, That in all cases where the said trustees shall designate the said road in such manner as to injure the owners of land, the persons so injured may apply to the justices of said county court, who, on complaint made to them, shall order the damages to be assessed by a jury, and cause the amount to be paid to the party injured, out of the county tax.

CHAP. CVII.

An act to prohibit obstructions to the passage of Fish through Currituck and New Inlets and the Narrows of Currituck Sound.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future it shall not be lawful to haul any seine or set any net, weir or other obstructions to the passage of Fish, between the first day of February and the first day of May inclusive, in every year, at Currituck Inlet or any of the channels within three miles thereof, at New Inlet or any of the channels within three miles thereof, and at the narrows of Currituck Sound or in any of the channels.

II. *And be it further enacted*, That if any person shall directly or indirectly offend against the provisions contained in the foregoing section, he shall upon conviction, or indictment before any court having competent jurisdiction, be fined in the sum of one hundred pounds for each and every time he shall so haul a seine or set a net; and if it be a weir or other obstructions, he shall be punished at the discretion of the court as for a common nuisance: one half of the penalty hereby imposed to be given to him, her or them that will first inform of the offence, and the other half to the poor of the county in which the conviction may be had.

III. *And be it further enacted*, That any slave convicted of offending against the provisions of this act, unless he appears to have acted under the express direction of his owner, shall be sentenced to receive thirty-nine lashes on his bare back.

IV. *And be it further enacted*, That it shall be the duty of the superior and county court of Currituck, to give this act in charge to the grand jury: *Provided*, That nothing in this act shall be construed to prevent any persons, inhabitants of the counties of Currituck and Hyde from fishing as heretofore.

CHAP. CVIII.

An act to regulate the Coopering of Naval Stores and Inspection of Staves, Heading and Shingles, in the Port of Wilmington.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any slave to act as Cooper of naval stores, and Inspector of staves, heading and shingles without his, her or their master or mistress shall enter into bond and security, conditioned with the faithful performance of said cooper and inspector slave, and any person injured by the inspection of said cooper, may seek redress by a suit upon said bond.

II. *And be it further enacted*, That the court of pleas and quarter sessions of New-Hanover county shall, at their first term after the first day of May next, appoint one or more discreet persons, being judges of said articles, to act as commissioner upon all disputes which may arise between the vender and inspector or purchaser, when appeals may be taken to him, for which said commissioner shall receive all the fees allowed for inspecting said articles instead of the inspector, from which an appeal is taken.

III. *And be it further enacted*, That any free person presuming to act as inspector or cooper of naval stores as aforesaid, without giving bond and security agreeable to law, shall for every such offence, forfeit and pay ten pounds, recoverable before any jurisdiction having cognizance thereof, one half to the use of the informer and the other to the use of the county aforesaid; and it is hereby declared that all owners of slaves violating this act, are responsible for the penalty hereby prescribed.

CHAP. CIX.

An act to appoint Commissioners for the town of Jamestown in the county of Guilford, and to incorporate the same.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Richard Mendenhall, Eleven Charles, Richard Hayworth, Solomon Hayworth, and John Tolbert be, and they are hereby appointed commissioners for the town of Jamestown in the county of Guilford, and they are hereby declared to possess full power and authority to adopt such rules and regulations, and pass such bye-laws as may appear to them necessary for the good order, regulation and government of said town, *Provided*, the same is not inconsistent with the laws and constitution of this state or of the United States, and they are hereby declared to possess the same power and authority as is usually exercised by the commissioners of all other incorporated towns in this state, in the advancement and promotion of the same.

CHAP. CX.

An act to authorise the court of quarter sessions of Pasquotank county to raise the poor tax, and for other purposes.

WHEREAS, the poor in the county of Pasquotank are numerous and badly provided for, and the certificates granted for their maintenance, are depreciated much below their nominal value, for remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the justices of the court of pleas and quarter sessions of Pasquotank county, at any time hereafter, when a majority of the acting justices of said county are in session, shall have full power and authority to lay a poll tax on all the taxable inhabitants of said county, not exceeding ten shillings on the poll, and a tax on the real property in said county not exceeding five shillings on each hundred dollars value of real property, for the purpose of paying off the certificates heretofore granted for the maintenance of the poor, and the better supporting the poor hereafter, and the same power and authority to exercise from time to time hereafter, when a majority of the acting justices shall be present: *Provided*, That there shall be no more taxes laid in any one year, than shall in the whole amount to ten shillings on the poll as aforesaid, and five shillings on each hundred dollars value as aforesaid, and the said justices in session as aforesaid, a majority being present, shall have full power and authority to lay a tax for the purpose of building a work-house or poor-house or both, at their discretion, in the county of Pasquotank for the reception, accommodation and employment of the poor of said county; and that they shall appoint commissioners for the purpose of having the same built, who shall draw a plan of said houses and advertise in three public places, the letting out of the building of said houses to the lowest bidder, at least twenty days before the letting out of the same; and the undertaker or undertakers of said buildings shall enter into bond with good security, for the performance of said undertaking payable to the commissioners for the use of the poor of said county, and the said justices in session, a majority being present, shall at any court hereafter, have full power and authority to make all necessary rules, regulations, restrictions, provisions and limitations for the proper management of the poor of said county, and the reception, accommodation and employment of the same, and the purchase of necessary implements and materials necessary to effect the object of this act, and to employ superintendants for the poor, and grant them suitable salaries for their services: *Provided nevertheless*, That no tax shall be laid for said purpose, which shall cause the poor tax laid by virtue of this act, to exceed in the whole, ten shillings on each taxable poll, and five shillings on each hundred dollars value on real estate, in any one year.

II. *Be it enacted*, That the sheriff of Pasquotank county, shall collect and account for the tax laid by virtue of this act, in the same manner as for the poor tax heretofore laid in said county; and in case of failure thereof, shall be liable to the same process and judgment that he now is by law, for the collection of the poor tax.

III. *Be it enacted*, That all acts and clauses of acts, coming within the purview and meaning of this act, are hereby repealed and made void.

An act to authorise certain persons therein named to collect the arrears of taxes due them.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Samuel Hyman, late sheriff of Martin county, be and he is hereby authorised to collect the arrears of taxes due to him in said county, for the years eighteen hundred and thirteen and eighteen hundred and fourteen. That Isaac Baxten, late sheriff of Currituck county, be and he is hereby authorised to collect the arrears of taxes due him in said county, for the years eighteen hundred and thirteen and eighteen hundred and fourteen. That Gabriel Holmes, late sheriff of New-Hanover county, be and he is hereby authorised to collect the arrears of taxes due him in said county, for the years eighteen hundred and eleven, eighteen hundred and twelve, eighteen hundred and thirteen and eighteen hundred and fourteen. That Lewis Bryan, late sheriff of Lenoir county, be and he is hereby authorised to collect the arrears of taxes due him in said county, for the years eighteen hundred and eleven, eighteen hundred and twelve, eighteen hundred and thirteen, and eighteen hundred and fourteen. That Joshua Williamson, late sheriff of Columbus county, be authorised to collect the arrears of taxes due him in said county, for the years eighteen hundred and thirteen and eighteen hundred and fourteen. That Daniel Glisson, late sheriff of Duplin county, be authorised to collect the arrears of taxes due him in said county, for the years eighteen hundred and eleven, eighteen hundred and twelve, eighteen hundred and thirteen, eighteen hundred and fourteen and eighteen hundred and fifteen. That Daniel M'Dowell, late sheriff of Haywood county, be and he is hereby authorised to collect the arrears of taxes due him in said county, for the years eighteen hundred and nine, eighteen hundred and ten, eighteen hundred and eleven, eighteen hundred and twelve, eighteen hundred and thirteen, eighteen hundred and fourteen and eighteen hundred and fifteen. That William Pierce, late a collector of taxes in district No. three, of Martin county, be and he is hereby authorised to collect the arrears of taxes due him in said district, for the year eighteen hundred and eight; and that Alexander Rowland, late sheriff of Robeson county, be and he is hereby authorised to collect the arrears of taxes due him in said county, for the years eighteen hundred and twelve, eighteen hundred and thirteen, eighteen hundred and fourteen and eighteen hundred and fifteen. Jesse Alexander, late sheriff of Tyrrell county, be authorised to collect the arrears of taxes due him for the years eighteen hundred and thirteen, eighteen hundred and fourteen and eighteen hundred and fifteen. Also James Dunning, late sheriff of Guilford county to collect the arrears of taxes for eighteen hundred and thirteen, eighteen hundred and fourteen and eighteen hundred and fifteen. And Samuel Cox, is hereby authorised to collect the taxes due him as sheriff of Ashe county, for eighteen hundred and nine, eighteen hundred and ten, eighteen hundred and eleven, eighteen hundred and twelve, eighteen hundred and thirteen and eighteen hundred and fourteen. Which said collections respectively, shall be made under the same rules, regulations and restrictions, as all other collections of public taxes in this state: *Provided*, that nothing herein contained shall be so construed as to authorise the said sheriffs or any of them to collect any of said taxes from executors or administrators, or from persons removed from the county, or from those who will voluntarily swear before some justice of the peace, that the taxes so claimed have been paid. *And Provided also*, that this act shall continue in force for one year and no longer: *Provided*, that nothing herein contained shall be construed to prevent said sheriffs from collecting arrears of taxes from those executors or administrators, who may voluntarily pay the same, believing them to be due.

CHAP. CXII.

An act to authorize Isaac Barber of Perquimons county to make a road, cut a canal to drain the same and for other purposes.

WHEREAS it is represented to this General Assembly that a road leading from Nixon's Float Bridge in Perquimons county, nearly a south course so as to intersect the road begun by Josiah Collins in Chowan county, would shorten the distance very considerably, and thereby render a great convenience to the carriage of the mail and to persons travelling from Edenton to Elizabeth City, and Isaac Barber, Esquire, of Perquimons county being desirous to make said road, &c.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the county courts of Perquimons and Chowan and the said courts are hereby required upon application that they each appoint a jury of twelve men who shall be possessed of a freehold in the county appointing the same, and it shall be lawful for the said Jurors when appointed to go on the premises and lay off said road in such direction as to them shall appear most expedient, which Jurors are also required to adjudge the damages if to them any appear that will be sustained by the owner or owners of any tract or tracts of land in consequence of said road and canal passing through the same, and make return thereof each jury to the court appointing the same; and it shall be the duty of the person or persons making said road to pay such damages before said road shall pass through such tract or tracts of land, but shall not be liable until said canal shall enter the premises:

II. *Be it further enacted*, That the said Isaac Barber shall have full power and authority to enter upon the premises after said road shall be laid off as aforesaid, with full privilege to cut a canal not to exceed twelve feet in width for the purpose of draining said road, and that he shall also have authority to open the way for said road on the canal not to exceed forty feet in width, with the privilege of cutting timber most convenient for the making and repairing said road.

III. *And be it further enacted*, That it shall be lawful for the said Isaac Barber to erect a turnpike gate across said road, and to ask, demand and receive from all persons passing said gate, the following toll (to wit.) for each four wheeled carriage, forty cents; for each horse and chair including the rider or riders, twenty cents; for each man and horse, ten cents; for carts of every description, fifteen cents; for each foot passenger, five cents; for each horse, mule or Jack, five cents; for each head of cattle, five cents; and for each head of hogs or sheep, two cents.

IV. *Be it further enacted*, That the jury at the time of laying out said road shall select some convenient and proper place to erect the gate across said road, and lay off one acre of land adjoining the place so selected and at the same time adjudge the value thereof, which the said Isaac Barber shall pay, and on the payment thereof the rights of said lands shall be vested in him and his heirs for the purpose of erecting a house and toll gate, &c.

V. *Be it further enacted*, That the sole right, use and benefit of said canal and road and the acres of land condemned as aforesaid, shall be, and the same is hereby declared to be vested in the said Isaac Barber, his heirs and assigns for and during the term of ninety-nine years from and after the passing this act: *Provided nevertheless*, That in case the said Isaac Barber or his heirs shall not complete the said road in seven years from and after the passing this act, then to be void and of no effect.

VI. *And be it further enacted*, That an act entitled "an act to authorize Samuel Nixon of Perquimons county to make a road and cut a canal to drain the same, passed in the year one thousand eight hundred and thirteen," be, and the same is hereby repealed.

CHAP. CXIII.

An act to make valid and confirm certain orders of the county court of Stokes.

WHEREAS doubts have arisen whether the county court of Stokes had authority under the existing laws to order the building a court house in said county and to lay a tax to defray the expenses thereof, to remove which doubts therefore,

1816 *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the several orders and resolutions entered into by the Justices of the county court of Stokes at the last June term respecting the building a court-house and laying a tax to defray the expenses thereof, be, and the same are hereby made valid and confirmed to the full extent of the same, as fully to all intents and purposes as if the same had been made by virtue of a special act of Assembly for that purpose, any law to the contrary notwithstanding.*

CHAP. CXIV.

An act to establish and incorporate a town by the name of Lenoxville in the county of Carteret.

WHEREAS James McKinlay of the town of Newbern is desirous that a town should be laid out and incorporated on his lands lying on the waters of North River and Taylors Creek at the point of land called Chadwick's point in the county of Carteret, and whereas the said James McKinlay hath caused a true and perfect plan of the said town to be made on parchment, and as the establishment of such town will be of great benefit to the inhabitants and to the commerce of said county,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the plan of the said town made as aforesaid shall be established and confirmed as a true plan of the said town, and a copy thereof shall be deposited with the Register of the county aforesaid, subject to the inspection of any person desirous of inspecting the same. and the said town is hereby incorporated into a township by the name of Lenoxville; and said James McKinlay and Henry M. Cooke and Jechonias Pigott of the county of Carteret shall be commissioners of the said town, and said commissioners shall have the same powers as the commissioners of Newbern.

II. And be it further enacted, That the several laws now in force respecting the town of Newbern so far as the same are applicable to the town now established and are not repealed, inconsistent with one another or otherwise provided for, shall be in full force and virtue in the said town of Lenoxville.

CHAP. CXV.

An act appointing commissioners to run out and mark the dividing line between the counties of Buncombe and Rutherford from the Sugar Loaf Mountain to the Burke line:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Patten and John Miller, Esquires of the county of Buncombe, and Francis Alexander and John Carson of the county of Rutherford, be, and they are hereby appointed commissioners with power to employ such chain carriers and attendants as they may deem necessary to enable them to run, ascertain and mark the boundary line between said counties of Buncombe and Rutherford agreeable to the acts of Assembly heretofore passed on that subject, and the line after being so run and marked shall be and the same is hereby declared to be the dividing line between said counties of Buncombe and Rutherford, and the said commissioners shall within three months after running out said line, make out two fair plats thereof, and return one to the county court of Buncombe and one to the county court of Rutherford, which plats so returned shall be recorded in each court.

II. And be it further enacted, That the commissioners and chain carriers for their trouble in superintending and marking said dividing line, shall be entitled to such pay as their county court respectively shall allow them to be paid out of the county tax: Provided always, That the ascertaining the dividing line and boundary aforesaid shall not effect any title or titles to the lands in either of the counties.

CHAP. CXVI.

An act to establish Moore's Academy on ten mile creek in the county of Sampson and to incorporate the trustees thereof.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That Lewis Moore, James Frederick, David Kornegay, Francis Shines, Thomas K. Terrence, Jonathan W. Mosely, James Faison and their successors, be, and they are hereby declared to be a body politic and corporate to be known and distinguished by the name of "the President and Trustees of Moore's Academy," and by that name shall have perpetual succession, and shall be able and capable in law to have, receive and possess any quantity of land and tenements, goods, chattels and monies, that may be given to them, and apply the same according to the will of the donor, and dispose of the same when not forbidden by the terms of said gift, they may sue and be sued, plead and be impleaded in any court within this state shall have power to appoint other or more trustees and to fill the place of such as may die, remove, resign or be incapable of acting, establish such laws and regulations for the government of said institution as may be necessary for the preservation of order and good morals, elect a professor or professors, tutors and other officers, and to do and perform all such acts and things as are incident to and usually exercised by bodies politic for the accomplishment of the object contemplated.

CHAP. CXVII.

An act to secure to Sarah Chiles of the county of Anson wife of Thomas Chiles such estate as she may hereafter acquire.

WHEREAS Sarah Chiles wife of Thomas Chiles, hath petitioned this General Assembly to secure to her such estate as he may hereafter acquire, and it appears that due notice has been given to the said Thomas Chiles and that he hath given his consent thereto.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all the estate both real and personal which Sarah Chiles wife of Thomas Chiles of the county of Anson, may hereafter acquire, either by gift, grant, descent or purchase, be, and the same is hereby secured to the said Sarah Chiles free and clear from the claim of her husband Thomas Chiles.

II. And be it further enacted, That the said Sarah Chiles is hereby barred from any claim on the said Thomas Chiles for alimony or any right of dower or distributive share of his estate.

CHAP. CXVIII.

An act for opening a Turnpike Road at Mill's Gap.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That George Jones, Richard Allen, Alexander Caruth, and David Jackson of Rutherford county, and William Spann, Asa Edney, and Thomas Case of Buncombe county be, and they are hereby appointed commissioners to let out the opening of a Turnpike Road at or near Mill's Gap, in the counties of Rutherford and Buncombe, to any person or persons who will undertake the same on terms the most advantageous to the public, and in case of the death, refusal or disability to serve, of any of the aforementioned commissioners, the other commissioners or the county courts of Rutherford or Buncombe, shall appoint a commissioner to serve in their place. The said commissioners or any five of them, shall meet as soon as may be convenient, and view and lay off the ground over which they may think it most eligible to lay off said turnpike road, and shall appoint a day not less than a month thereafter, on which they will let out the opening of the said road, and the person who will do it on the lowest terms shall have the prefer-

ence, and advertisements of the time and place of letting out the said road shall be set up at three or more public places in each county aforesaid, for three weeks before the so letting out said road. And it is further provided, that the toll for passing over said road shall not exceed the following rates, to-wit: for every wagon or four-wheeled carriage seventy five cents; for every two wheel carriage thirty cents; and for every man and horse ten cents; for every horse four cents; for every head of cattle three cents; and for every head of sheep or hogs two cents: when the person or persons who may contract for the opening of said road shall have finished the same, he or they shall give notice thereof to the commissioners, who shall meet and view the said road, and if they or a majority of them, shall be of opinion that the said road is opened and cut agreeable to the contract so made, then they shall give a certificate of the same to the said contractor or contractors, which shall authorise him or them to erect a gate or gates on the said road, to exact the stipulated rates of toll for passing over said road: *Provided*, that the said gate or gates are placed eastward of where the road leading over the mountain at Cooper's Gap intersects the Mill's Gap road or otherwise so place them that no persons or property crossing the mountain at Coopers' Gap, shall be liable to pay toll on the Mill's Gap road. If at any time, the contractor or contractors for opening said turnpike road, shall not keep the same in good and sufficient repair, the commissioners or any three of them shall view the said road, and are hereby empowered to suspend the payment of any toll whatsoever, by any person passing said road, until the same is worked on and put in good order, and the person or persons who have contracted for the opening the said road, shall be liable to the same proceedings to be had against them in the courts of Rutherford and Buncombe counties, as other overseers of roads in said counties. And if at any time, the contractor or contractors for opening said road, should for the space of three months, neglect or refuse duly to repair said road, then and in that case it shall be the duty of the said commissioners or any five of them, to view the said road, and if such fact is ascertained to them, to declare that all right, and interest accruing to said contractor or contractors in said road, has ceased and become of none effect. The said turnpike road shall not extend farther than one mile from the foot of the mountain on the east side, nor farther than one mile west of Point Look Out in Buncombe county: and the commissioners aforesaid, shall have power to alter and remove the road within bounds above specified, and to stop up the old road without making any application to the court of Rutherford or Buncombe counties for that purpose. Should any person, after the above road is turned by the commissioners aforesaid, break round or over the turnpike gate or gates, for the purpose of evading the payment of toll or injure said gate or gates, or in any wise obstruct or stop up said road, such person or persons so offending, shall forfeit for every such offence the sum of ten dollars, to be recovered before any justice of the peace of Rutherford or Buncombe counties, to the use of any person suing for the same. Should any of the commissioners appointed by this act become interested or a party in contracting for said road, he or they shall not thereafter act as a commissioner, but another shall be appointed to act in his place in the manner before specified in this act. The commissioners aforesaid shall not make any contract for a turnpike road to be in force for a longer term than fifteen years.

CHAP. CXIX.

An act to establish and confirm the judgment of the Superior Court of law of Richmond county, divorcing Matthew Cole and his wife Elizabeth from the bonds of matrimony.

WHEREAS, it appears from a transcript legally authenticated that Matthew Cole of the county of Richmond, filed his petition in the clerk's office of the Superior Court of Law for said county, containing allegations and charges against his wife Elizabeth for committing the crime of adultery and praying a divorce from the bonds of matrimony, and at the last September term of said court the petition came on to be heard and the allegations were substantiated by evidence and found true by a lawful jury impanelled for that purpose: whereupon it was ordered, sentenced and decreed by the said court that the petitioner, Matthew Cole, and his wife Elizabeth, the defendant, be divorced from the bonds of matrimony; and the same remains to be confirmed by an act of the General Assembly—therefore,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the sentence, judgment and decree of the superior court of law for the county of Richmond, divorcing Matthew Cole of the county of Richmond, from his wife Elizabeth be, and the same is hereby established and confirmed.

CHAP. CXX.

An act directing the officers of the ninth regiment of cavalry, which is attached to the fifteenth brigade, to hold their courts martial at Morganton, so far as respects the officers of the troops of Burke county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the officers of the ninth regiment of cavalry which is attached to the fifteenth brigade be, and they are hereby authorised, empowered and directed to hold their courts martial at Morganton; so far as respects the officers of the troops of Burke county; *Provided*, That a majority of the said officers be always present previous to their proceeding to business, and the said courts martial shall be held at the said place, at the same time, and under the same rules, regulations and restrictions as have been heretofore prescribed by law in similar cases.

CHAP. CXXI.

An act to establish and lay off a Town on the lands of John Marine, in Richmond county.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That John Marine, Charles Marine, and George Wright, sen. be, and they are hereby appointed commissioners to lay off a town on the lands of John Marine in Richmond county, to be called and known by the name of Rochdale, and that the aforesaid commissioners or a majority of them shall be, and they are hereby authorised to lay off such quantity of land belonging to the said John Marine as may appear to them advisable, into acre or half acre lots, with convenient streets and alleys, and the said lots when so laid off, shall be for the sole benefit and free disposal of the said John Marine.

II. *And be it further enacted,* That when the said commissioners shall have completed the business hereby assigned to them, they shall make a return of a fair plat and representation thereof, to the clerk of the court of Richmond county, which shall be by him recorded in the books of his office, precisely designating the lots, streets and alleys of the said town, to which all persons hereafter concerned may have reference.

CHAP. CXXII.

An act for the better regulation of the town of Germanton, in the county of Stokes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Andrew Bowman, Jeremiah Gibson and William G. Haynes, be and they are hereby appointed commissioners for the town of Germanton in the county of Stokes, who shall continue in office until the first Saturday in January, in the year one thousand eight hundred and eighteen. And on the first Saturday of January, one thousand eight hundred and eighteen, and on the first Saturday in January in each and every year thereafter, an election for three commissioners for the said town, shall be opened and held by such person as the commissioners herein appointed may direct, or by the sheriff of said county, at the court-house in said town, and the commissioners so elected shall continue in office until the next annual election.

II. *And be it further enacted,* That no person shall be eligible to the office of commissioner unless he shall be possessed of a freehold, and be actually resident within the said town: And all free males who are or may be possessed of a freehold in the said town, or who may have resided therein for the term of one year immediately preceding the day of election shall be entitled to vote for commissioners as aforesaid.

III. *And be it further enacted,* That if any of the commissioners hereby appointed, or who may hereafter be elected according to the provisions of this act, shall refuse to act, such person so refusing shall forfeit and pay the sum of ten dollars to be recovered in the name of the remaining commissioners, to the use of said town, before any justice of the peace in

1816 Stokes county. And it shall be the duty of the person holding such election within ten days thereafter, to notify those who are elected thereof, and at the same time to appoint a day for them to convene, which day shall be within one month after such notification.

IV. *And be it further enacted*, That the commissioners hereby appointed and such as may hereafter be elected according to the provisions of this act, shall have full power and authority respectively to make and enforce such rules, regulations and bye-laws for the good order and government of the said town, as to them or a majority of them may appear necessary and expedient, not inconsistent with the laws of this state or the United States: And the said commissioners or a majority of them are hereby authorised and empowered to lay and cause to be collected a tax on polls and town property in the said town, for the purpose of more effectually carrying into execution such regulations and bye-laws, as they may adopt:—*Provided*, that such tax shall not exceed in any one year the tax laid by the county court of Stokes, on the same species of taxables.

V. *And be it further enacted*, That in case any vacancy may happen by death, removal or refusal to act of any of the commissioners aforesaid, the remaining commissioner or commissioners, shall appoint a day of election to supply such vacancy, and such commissioner so elected, shall possess the same powers and authorities as if he or they had been elected at the usual time.

CHAP. CXXIII.

An act to restore to the rights of citizenship certain persons therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Mickell Watson of the county of Wayne and Nathaniel Green of the county of Gates, George Blege of Rowan, be and they are hereby restored to all the rights and privileges of citizens, in as full and ample a manner as if they had never been convicted of any crime: *Provided*, that nothing in this act contained shall be construed to authorise the said Nathaniel Green, Michael Watson, George Blege, or either them to serve on any jury in this state.

CHAP. CXXIV.

An act to establish and confirm the judgment of the Superior Court of Law of Randolph county, divorcing Polly Shaw and her husband Haley Shaw from the bonds of matrimony

WHEREAS, it appears from a transcript of a record legally authenticated that Polly Shaw of the county of Randolph, filed her petition in the Clerk's office of the Superior Court of Law for said county, containing allegations and charges against her husband Haley Shaw, for committing the crime of adultery, and praying a divorce from the bonds of matrimony. And at the last September term of the said Superior Court of Law of Randolph county, the petition came on to be heard and the allegations were substantiated by evidence, and found true by a lawful jury impeached for that purpose: Whereupon, it was ordered and adjudged and decreed that the petitioner, Polly Shaw, be divorced and separated from the bonds of matrimony and nuptial ties heretofore contracted and entered into with the defendant Haley Shaw, which judgment, order and decree remains to be established and confirmed by an act of this General Assembly.

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the order, decree and judgment of the Superior Court of Law of Randolph county, divorcing Polly Shaw from her husband Haley Shaw, be and the same is hereby established and confirmed accordingly.

CHAP. CXXV.

An act to establish an Academy in the county of Guilford.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Landreth, Robert Woodburn, William Doak, the reverend John Coe, the reverend James Hanner and John Woodburn, be and they are hereby constituted a body politic and corporate by the name of the trustees of the Union Academy in the county of Guilford, and the said trustees are hereby vested with all such powers and authorities as are usual for trustees thus incorporated, to use and exercise. And by the name aforesaid shall have perpetual succession, may sue and be sued, plead and be impleaded in any court in this state, and shall have power and authority to receive and apply to the use of said Academy any donation either from the public or individuals.

CHAP. CXXVI.

An act concerning the Warrenton Academy.

WHEREAS, owing to the dispersed situation of the Trustees of the Warrenton Academy, it often becomes difficult to procure the number required by law to constitute a Board, by which the interest of said institution suffers.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, any four of the said trustees shall constitute a board, and may when convened, pass all such laws, rules and regulations for the government of said Academy, which the number heretofore required by law might or could have done, any law to the contrary notwithstanding.

CHAP. CXXVII.

An act to authorise the commissioners of the town of Edenton to levy tax for the purpose of purchasing a Fire Engine.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Edenton, be and they are hereby authorised to procure a Fire Engine with the necessary apparatus for the use of the said town, and to borrow as much money as may be required to pay for the same.

II. *Be it further enacted*, That for the purpose of carrying the foregoing provisions into effect in addition to the taxes which they are at present authorised to levy, they be and are hereby authorised to levy annually for three years, a further tax not exceeding the rate of ten shillings on each hundred pounds value of taxable property in the said town, and a poll tax not exceeding ten shillings on all persons liable to pay a public poll tax within the said town, which additional taxes shall be assessed, levied and collected, in the same manner as the taxes heretofore levied in the said town, and the nett proceeds of which the said commissioners are hereby authorised to pledge for the payment of any debt they may contract under the provisions of this act:

III. *And be it further enacted*, That all houses which are or may be built on the leased or rented ground in the said town shall be subject to the aforesaid additional tax of ten shillings on the hundred pounds value, and the said commissioners are hereby authorised to value and tax them accordingly.

CHAP. CXXVIII.

An act to alter the time of holding the county court of Iredell.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the justices of the county court of pleas and quarter sessions of Iredell county at the close of the next term of the said court, shall adjourn the same to the fourth Monday of June next, and all suits, pleas, issues and pleadings which may remain on the dockets of the said court, at the end thereof shall stand continued to the said fourth Monday of June next.

II. *And be it further enacted*, That the said court of pleas and quarter sessions of Iredell shall from

and after the next term thereof, be held on the fourth Monday of March, June, September and December, in each and every year, and all writs, subpoenas, recognizances and other proceedings returnable to said court, shall be returned according to the provisions of this act, any law to the contrary notwithstanding.

CHAP. CXXIX.

An act to remove a separte election in the county of Stokes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separte election heretofore established and held at the house of John Hatchings in the county of Stokes, be removed to such other place as the commissioners hereafter named shall appoint, and shall be there held at the times and for the purposes and under the same rules, regulations and restrictions which the said election has heretofore been held at the said John Hatchings.

II. *And be it further enacted by the authority aforesaid,* Thomas Carr, Rody Flynt and Charles Angel, be, and they are hereby appointed commissioners with full power and authority to fix on some other suitable and convenient place for holding the said separte election hereby removed, and when so fixed on the said commissioners are hereby required to make report of their proceedings to the county court of Stokes, to be held on the second Monday of June next.

CHAP. CXXX.

An act making allowance to witnesses attending Cumberland Superior and County Courts.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all witnesses who may hereafter attend the superior or county courts of Cumberland in any suit, shall be entitled to receive ten shillings for each days attendance, and four pence per mile for travelling to and from court.

CHAP. CXXXI.

An act to emancipate Hannah Howe, Balaam Howe, John Howe and Sally Howe children of Balaam and Lucy Howe of the county of Brunswick.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That Hannah Howe, John Howe, Balaam Howe and Sally Howe children of Balaam Howe and Lucy his wife, of the county of Brunswick, be, and they are hereby emancipated and set free, and shall be entitled to all the rights and privileges of free persons of color within this state in as full and ample manner as if they had been born free.

CHAP. CXXXII.

An act to appoint commissioners for the town and port of Swansborough.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Mitchell, William P. Ferrand, Bazel R. Smith, John S. Jones and Richard Stefens, be, and they are hereby appointed commissioners of the town and port of Swansborough, with all the powers and authority which are already given by law to other commissioners of any town and port within this state.

CHAP. CXXXIII.

An act to amend an act passed in the year one thousand eight hundred and five, chapter eighty-ninth, entitled 'an act to establish two separate Elections in the county of Chatham and to alter the mode of holding Elections in said county.'

WHEREAS, under existing circumstances, doubts are entertained as to a true construction of the above recited act and difficulties often present themselves owing to the impropriety of not closing the polls at the court-house of the county aforesaid on the day of election before sun set, thereby subjecting the inspectors and others to great trouble and inconvenience, when at the several separte elections of said county, the polls are closed at the hour of four o'clock in the afternoon of the day on which the election is held, to accord in proceedings at the court-house with the course pursued at the separte elections and to remove all doubts and to remedy every inconvenience.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the election directed to be held by the before recited act, as well that at the court-house as those at the places of separte election shall be opened at ten o'clock in the fore noon, and closed at four o'clock in the afternoon on the day directed for holding the same by said act, any law to the contrary notwithstanding.

CHAP. CXXXIV.

An act to authorize the county court of Duplin to appoint commissioners to lay-off a town on the public lands in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of pleas and quarter sessions for the county of Duplin, be, and they are hereby authorized and directed to appoint commissioners as soon as they may deem it expedient for the purpose of laying off a town on the public lands in said county, which town when so laid off agreeable to the directions of a majority of said commissioners shall be called and known by the name of Kenansville, and the said commissioners shall lay off the said lots of such size as the said court may direct with suitable streets or allies, and the said commissioners are hereby directed to return a fair platt and full representation of the said town, particularly designating the lots agreeable to their number, and also the streets and allies appertaining thereto, to the clerks' office of said county, and it shall be the duty of the said clerk to record the same in the books of his office, open to the inspection of any person at any time concerned, and thereupon the said commissioners are hereby directed to make sale of the said lots at auction to the highest bidder, after giving public notice thereof, and the money arising from the sale of the same shall be by the commissioners paid over to the treasurer of the public buildings of said county, who shall apply the same to the defraying the expenses of building the new court-house in said county, and the commissioners shall be entitled to receive adequate compensation for their services to be fixed upon and allowed by the court of said county; said commissioners shall reserve so many lots contiguous to one another as shall make one acre of ground for the public uses of said county.

CHAP. CXXXV.

An act to increase the penalty on those residing in the town of Salem in the county of Stokes who fail to attend and work on the public roads and highways.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, each and every person residing within the limits of the town of Salem, in the county of Stokes, who by the present existing laws is bound to

1816 work on public roads and highways, and who shall neglect to do the same, after being duly summoned, shall be and is hereby liable to the penalty of ten shillings to be recovered in the same manner and under the same rules, regulations and restrictions and applied to the same purposes as is by law directed, any law to the contrary notwithstanding.

CHAP. CXXXVI.

An act to amend an act passed in one thousand eight hundred and ten, chapter fifty-seven, entitled "an act to appoint commissioners for the town of Bath, &c."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the acting commissioners for the town of Bath in the county of Beaufort, shall in future be, and they are hereby authorized and empowered to fill all vacancies which have or may happen in the office of commissioner for said town, whether by death, resignation or refusal to act.

CHAP. CXXXVII.

An act to authorize James Moore of the county of Martin to erect gates on the road leading from Moore's Ferry to Moore's Store in said county.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for James Moore of the county of Martin to erect two gates on the road leading from Moore's Ferry on Roanoke river to Moore's Store, on the road leading from Plymouth to Williamston.

II. *And be it further enacted,* That the said Moore shall be entitled to receive of all persons crossing his ferry and passing said gates, the rate of toll or ferriage as now settled by the county court of Martin.

CHAP. CXXXVIII.

An act directing the manner in which patrols shall in future be appointed in the county of Richmond.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act it shall be the duty of the captain or commanding officer of each militia company in the county of Richmond, at each company muster, to appoint as patrols such number of fit persons as he may think proper, not exceeding ten for each company, whose duty it shall be to perform and do all the duties already enjoined by law on patrols, until the succeeding company muster, any law, to the contrary notwithstanding.

CHAP. CXXXIX.

An act naming the town laid off in Montgomery county pursuant to an act passed at the last session of the General Assembly, authorizing the removal of the public buildings of said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the town laid off in the county of Montgomery in conformity to the before cited act, shall from and after the passing of this act be known by the name of Laurenceville.

CHAP. CXL.

An act to authorize the commissioners of the town of Madison in the county of Rockingham, to purchase the land on which the said town is situated, to make sale of the lots and to make titles to the same.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Madison in Rockingham county be, and they are hereby vested with full power and authority to purchase the land on which the said town is situated, to make sale of the lots, and to make titles to the purchasers: and to effect these objects they are hereby declared to possess power and authority to adopt such measures as may appear to them the most advisable and conducive to the promotion of the said town.

READ THREE TIMES AND RATIFIED IN GENERAL ASSEMBLY, }

THE 28TH DAY OF DECEMBER, A. D. 1816. }

JNO. BRANCH, Speaker of the Senate.

JA. IREDELL, Speaker of the H. Commons.

A true Copy, WILLIAM HILL, Secretary of State.

CONTENTS.

PUBLIC ACTS.

Providing a revenue for 1817,	3
To prevent the issuing or circulation of Due Bills,	6
Regulating the appointment of county court officers,	ib
Requiring sheriffs to serve certain notices,	7
Providing for the appointment of clerks,	ib
To amend the charter of the State Bank,	8
Declaring the duty of clerks,	ib
Retailers of spirits, how to get a license,	ib
Respecting insolvent debtors,	ib
Allowing further time for registering grants,	ib
Making further compensation to rangers,	9
Directing the disposal of certain negroes,	ib
Concerning public jails, &c.	10
Amending the laws for the trial of slaves,	ib
Concerning intestates' estates,	ib
Do. navigation of Neuse river,	11
To controul and vest lapsed legacies,	12
To annex a part of Beaufort to Martin county,	ib
To establish a superior court in Columbus,	13
Concerning felonies within clergy,	ib
For making a canal from Turnagin to Long Bay,	14
For making New river navigable,	ib
Concerning the navigation of Tar river,	16
To amend the act for appointing auctioneers,	17
Concerning Catawba river navigation,	18
Do. navigation of Stewart's creek,	19
Respecting roads leading to meeting houses,	ib
To amend the processioning laws,	ib
Concerning field officers of militia,	ib
To enable guardians to recover compound interest,	ib
To extend the time for making returns of surveys,	ib
To amend the law respecting Feme Coverts,	20
To amend the act concerning Divorce and Alimony,	ib
Respecting the navigation of Roanoke,	ib
Do. do. Yadkin,	21
For opening a communication between Yadkin & Cape-Fear,	23
For removing logs, &c. in Tar river,	25
Compensation to sheriff for attending supreme court,	26
To build a bridge across the Yadkin,	ib

PRIVATE ACTS.

ACADEMIES.

Respecting the Academy in Smithville,	32
To establish an Academy in Williamston,	33
Do. do. at Pleasant Grove in Perquimons,	36
Do. do. at Greensborough, in Guilford,	89
Do. do. at Mattamuskeet,	43
Do. do. in the county of Carteret,	46

To establish Moore's Academy in Sampson,	50
To establish an Academy in the county of Guilford,	52
Concerning the Warrenton Academy,	ib

COURTS.

To alter the time of holding Rutherford court,	36
Repealing the act of 1809, respecting Wayne court,	40
Relative to the county court of Stokes and Surry,	42
Altering the time of holding Hyde court,	44
Regulating pay of witnesses in Duplin court,	35
To make valid certain orders of Stokes court,	49
Altering county court of Iredell,	52

ELECTIONS.

To establish a separate election in Rowan,	36
Respecting separate elections in Robeson,	ib
Do do do in Pitt,	37
To alter the time of holding elections in Surry,	35
Altering places of separate elections in Craven,	38
Respecting elections in Jones,	45
Do do Haywood,	ib

Removing a separate election in Stokes,	53
Respecting separate elections in Chatham,	ib

GATES AND ROADS.

To authorise John Miller of Buncombe to erect a gate,	36
Do Wm. Tatum and T. Gray, to erect gates,	ib
Vesting the profits of a road in B. Howorth,	39
Authorising Jacob Fields to make a road,	41
Toll road and ferry on Roanoke,	46

Concerning turnpike roads in Buncombe,	46
Establishing a turnpike road in Burke,	47
Isaac Barber of Perquimons authorised to cut a road,	49
For opening a turnpike road at Mill's gap,	50
To authorise James Moore to erect gates,	54

NAVIGATION.

To incorporate the North river canal company,	28
Concerning Dismal Swamp canal company,	30
Respecting Lumber river navigation,	ib
Repealing the laws respecting Hedgecock creek,	42
Do do Rose Bay turnpike company,	ib
To improve the navigation of N. East river,	43
Authorising M. Boney to cut a canal,	44

POOR.

Respecting wardens of the poor in Craven,	37
Authorising an additional poor tax in Chowan,	44
Do do do Camden,	ib
To raise poor tax in Pasquotank,	48

TOWNS.

For the government of Elizabeth City,	31
To incorporate Oxford in Granville,	34
Laying off more lots in Lincolnton,	ib
Better regulation of Raleigh,	36
To incorporate Greensborough in Guilford,	37
Establishing a town in Surry,	40
Respecting the town of Hamilton,	ib
Concerning the town of Fayetteville,	47
To confirm a survey of Beaufort,	44
Appointing commissioners for Jamestown,	48
To incorporate Lenoxville in Carteret,	50
To establish a town in Richmond county,	51
For the better regulation of Germantown,	ib
For purchasing a Fire Engine in Edenton,	52
To appoint commissioners for Swansborough,	53
For laying off a town in Duplin,	ib
Respecting the town of Bath,	54
Naming a town in Montgomery,	ib
Respecting the town of Madison,	ib

VARIOUS.

Concerning registration of deeds, &c. in Buncombe,	35
Authorising Halifax court to lay a tax,	35
Respecting the passage of vessels through gates of bridges,	37
Establishing battalion musters in Carteret,	ib
Incorporating the Raleigh Library Company,	ib
Surry county court authorised to build a new jail,	ib
Declaring the duty of the Colonel of Craven,	38
To prevent obstructions to fish in Trent,	ib
To confirm the divorce of Hannah Howe,	ib
Respecting pilotage of Beaufort bar, &c.	39
Respecting court-house in Nash,	ib
Respecting the reviews of Anson militia,	40
Do Fish traps on Pee Dee,	ib
Restoring certain persons to citizenship,	ib
Fees of the harbour master of Wilmington regulated,	41
Records in Bladen to be transcribed,	ib
Dividing the Wilkes regiment of militia,	ib
Restoring Isham Sheppard to citizenship,	42
Authorising Wilkes court to build a jail,	ib
To secure property to certain persons,	ib
Respecting patrollers in Edgecombe,	44
Do Jail in Warren,	45
Do lot of ground in Oxford,	ib
To incorporate the Plymouth Mechanical Society,	ib
Respecting fish at Currituck inlet, &c.	48
To regulate cooperating naval stores at Wilmington,	ib
Certain persons authorised to collect taxes,	49
Dividing line between Buncombe and Rutherford to be run,	50
For the benefit of Sarah Chiles of Anson,	ib
To confirm the divorce of Matthew Cole,	51
Respecting holding court martial in Burke,	ib
To restore certain persons to citizenship,	52
To confirm the divorce of Polly Shaw,	ib
Allowance to witnesses in Cumberland,	53
To emancipate certain persons,	ib
Requiring the people of Salem to work on roads,	ib
Respecting patrols in Richmond,	56





